

ANGELA ALIOTO, (SBN 130328)
STEVEN L. ROBINSON (SBN 116146)
ANGELA MIA VERONESE (SBN 269942)
MATTHEW J. WAYNE (SBN 283897)
**LAW OFFICES OF MAYOR JOSEPH L. ALIOTO
& ANGELA ALIOTO**
700 Montgomery Street
San Francisco, CA 94111
Telephone: (415) 434-8700
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Attorneys for Plaintiff
FRANK ALLEN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FRANK ALLEN,

Plaintiff(s) ,

v.

RADIO SHACK CORPORATION,

Defendant(s).

Case No.: CV 11-03110 WHA
Judge: Hon. William H. Alsup

**DECLARATION OF STEVEN L.
ROBINSON IN SUPPORT OF
PLAINTIFF'S MOTION FOR ATTORNEY
FEES**

Date: April 25, 2013
Time: 8:00 a.m.
Dept: 8, 19th Floor

Judgment Entered: March 1, 2013

I, Steven L. Robinson, Esq., declare as follows:

1. I am an attorney licensed to practice law in the State of California. My state bar number is 116146.
2. I received my Juris Doctor degree from Hastings College of the Law in June 1984.

Allen v. RadioShack, Case No. CV 11-03110 WHA
Robinson Declaration re Attorney Fees

- 1 3. I was admitted to the California State Bar in December 1984. At all times since I
2 have engaged in the practice of law. Since November 1992, my practice has
3 focused on employment civil litigation.
- 4 4. Since January 4, 1998, I have been an attorney with the Law Offices of Mayor
5 Joseph L. Alioto and Angela Alioto. I practice exclusively in the area of
6 employment litigation.
- 7 5. I did the briefing and the oral argument before the Federal Ninth Circuit of
8 Appeals in the case of Circuit City v. Adams. The major issue in that case was
9 whether my client could be compelled to arbitrate the discrimination case against
10 his employer pursuant to a boilerplate form his employer made him sign. The
11 Ninth Circuit said the arbitration clause was not enforceable pursuant to the
12 Federal Arbitration Act in Adams v. Circuit City (1999) 194 F.3d 1070. The
13 employer appealed to the United States Supreme Court. I appeared before the
14 United States Supreme Court, which reversed the Ninth Circuit. Circuit City v.
15 Adams (2001) 532 U.S. 105. I subsequently briefed and argued the matter on
16 remand. The Ninth Circuit again ruled that my client could not be required to
17 submit his case to binding arbitration, this time pursuant to State law. The
18 second opinion was published as Circuit City v. Adams, (2002) 279 F.3d 889. The
19 case was then remanded to Sonoma County Superior Court.
- 20 6. I was one of the attorneys who worked on the case of Carroll/Bryant v. Interstate
21 Brands Corp. (San Francisco Superior Court Case Numbers 995728/304142).
22 There, our firm represented 20 plaintiffs and obtained a jury verdict of \$ 130
23 million.
- 24 7. In the Carroll/Bryant v. Interstate Brands Corp. matter, the Court awarded me
25 an hourly rate of: \$ 295 for 1998; \$ 315 for 1999; and \$ 350 for 2000.

- 1 8. In F. Alioto Company v. City and County of San Francisco,(San Francisco
2 Superior Court, Case number 318360), I was awarded an hourly rate of \$ 350 for
3 work performed in 2001 and 2001. Significantly, this case wa a commercial
4 landlord tenant matter and, for that reason, the fees were not subject to the same
5 enhancements as are encountered in cases of employment discrimination.
- 6 9. In Valladares v. Madera Quality Nut, a case tried during 2006 in Madera County,
7 California. I was awarded an hourly rate of \$ 250.
- 8 10. In Vandenburg v. County of Santa Clara, a case tried in 2008. I was awarded an
9 hourly rate of \$ 400
- 10 11. In Gilman-Veronese v. Lucasfilm, a case tried 2010, I was awarded an hourly
11 rate of \$ 400.
- 12 12. In Idris v. Andrews International, I was awarded an hourly rate of \$ 400 an
13 hour in an order dated June 10, 2012.
- 14 13. I am requesting that this court grant me an hourly rate of \$ 600, which is
15 consistent with the standard shown in the case law referred to in the supporting
16 memorandum of points and authorities and which is attached to the appendix
17 filed with this court, and it is consistent with the hourly rates previously
18 awarded for my work.
- 19 14. It was and is my professional opinion that at inception this case presented a
20 substantial amount of contingent risk, especially given the precarious financial
21 state of the defendant. I share the opinions expressed by Ms. Alioto in her
22 declaration.
- 23 15. I spent a total of 172 hours litigating this case before the jury verdict.
- 24 16. Attached hereto as Exhibit A are true and correct copies of my timesheets.
- 25 17. Except for the post trial work, my time sheets are based upon a reconstruction of
26

1 the time spent working on this case. In reconstructing my time, I relied on the
2 following: Records from Lexis, deposition transcripts, documents maintained
3 on my computer and on records in the law firm files.

4 18. In calculating my time, I utilized billing judgment. Although I fully participated
5 in the strategic discussions at the beginning of the lawsuit and upon removal of
6 the matter to federal court, and was consulted with regards to pleadings and
7 discovery issues, I did not, aside from the initial meeting with the client, bill for
8 any time before August 21, 2012. Nor did I, in most instances, bill for reading e-
9 mails.

10 19. I have spent 72.4 hours in working on this motion and am requesting that fees
11 of \$ to cover that work be awarded. A true and correct copy of the time records
12 for work on this motion are attached hereto as Exhibit B.

13 20. As a result of my 15 years working with Angela Alioto's firm, I have an
14 understanding of the practices utilized by the law firm in billing its clients. It is
15 the practice of the law firm that in the course of litigation, clients are responsible
16 for paying the following expenses: mediation fees, lexis legal research expenses,
17 travel expenses for the law firm's lawyers and retained experts, copying and
18 postage costs, deposition cost as well as process server fees to the extent not
19 reimbursed by the costs bill at the end of the case and, if it is a federal case,
20 PACER expenses.

21 I declare under penalty of perjury under the laws of the State of California that
22 the foregoing is true and correct. Signed March 15, 2013, in San Francisco.

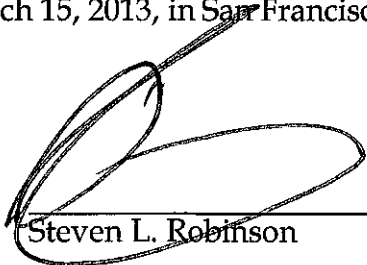
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Steven L. Robinson

EXHIBIT A

ROBINSON - DISCOVERY

08/21/12	Read and respond to e-mail re representation of witnesses at deposition	0.8
09/13/12	Read and respond to e-mail of Angela & Joe re Pittakis Deposition and Managing agent	0.1
10/01/12	Read and respond to e-mail to co-counsel re OC query re Allen's wife as witness	0.1
10/23/12	Confer with Angela re deposition of Shaan Smith	0.2
10/26/12	Read and respond to e-mail of AMV re designation of non retained experts	0.1
10/30/12	Read proposed expert opinion of Howze. Email to AMV re feedback	0.5
11/06/12	Read OC e-mail re non retained expert - e-mail to Angela and AMV re feedback	0.1
11/15/12	Read Finkelstein's [DF HR Expert] report, research prior cases of Finkelstein and confer w/AMV	1
11/16/12	Read Finkelstein's [DF HR Expert] report, research prior cases of Finkelstein and confer w/AMV	3
TOTAL		5.9

ROBINSON - MISCELLANEOUS TIME

07/29/10 Intake Meeting w/ CI, AMV and other Potential Clients

1.5

ROBINSON - SUMMARY JUDGMENT TIME

11/19/12 Work on MPAs in Opp to MSJ (Stray Remarks) Research	0.5
11/20/12 Work on MPAs in Opp to MSJ (Stray Remarks) Research	0.8
11/20/12 Work on MPAs in Opp to MSJ (Review deposition transcripts)	2
11/21/12 Work on MPAs in Opp to MSJ (Managing agents/punitive damages)	2
11/21/12 Work on MPAs in Opp to MSJ (Review deposition transcripts)	2
11/21/12 Work on MPAs in Opp to MSJ -Review MSJ Order and evidence in Hamilton v. Radio Shack	3.5
11/21/12 Work on MPAs in Opp to MSJ (Review MSJ Order and evidence in Hunter v. Radio Shack)	1
11/25/12 Work on MPAs in Opp to MSJ (Protected Activity, harassment) Research and write	7
11/26/12 Work on MPAs in Opp to MSJ Review depositions and Hamilton MSJ record for our brief	3
11/27/12 Work on MPAs in Opp to MSJ (Managing agents/punitive damages) Research and write	5
11/28/12 Review and offer comments to draft statement of facts	1.5
11/28/12 E-mail and in person confer regarding managing agents	0.5
11/28/12 Work on MPAs in Opp to MSJ (Confer with client and AMV re Client Declaration)	2
11/28/12 Draft MPAs in OPP to MSJ	8
11/29/12 Work on and Finalize MPAs in Opp to MSJ	7
11/29/12 Work on and Finalize Supporting Evidence inOpp to MSJ	3
11/30/12 Work on and File Notice of Errata re MSJ	1
12/01/12 E-mail correspondence re late filing of MSJ	0.5
12/13/12 Research judicial notice requirements, prepare and file declaration per court order	2.3
12/20/12 Prepare for and Attend Summary Judgment hearing	2
TOTAL	54.6

ROBINSON - PRETRIAL MOTIONS

01/07/13	Plaintiff MIL - Research HR Expert Admis State Law	1.4
01/08/13	Plaintiff MIL - Research HR Expert Admis -Federal	5
01/09/13	Plaintiff MIL - Research HR Expert Admis -Federal	0.5
01/10/13	Plaintiff MIL - Draft MIL to exclude HR Expert	2
01/17/13	Plaintiff MIL - Draft MIL to exclude HR Expert	0.5
01/17/13	Plaintiff MIL - Review Finkelmann's Expert Opinion	3.2
01/18/13	Plaintiff MIL - Draft MIL to exclude HR Expert	6
01/22/13	Plaintiff MIL Draft MIL to exclude HR Expert	2
01/22/13	Plaintiff MIL - Do MIL to exclude opinion of retail industry	2.5
01/22/13	Plaintiff MIL - Do MIL re punitive damages	2.6
01/22/13	Plaintiff MIL - Work on Supporting Declaration	0.5
01/23/13	Plaintiff MIL - Finalize Supporting Declaration	0.4
01/23/13	Defense MIL - Review Defendant MILs	3
01/24/13	Defense MIL -Work on Defendant MIL re Me Too Evidence	1.3
01/25/13	Joint Pre Trial Meet and Confer (attend portion of meeting)	0.2
01/28/13	Defense MIL Work on Opp to Defendant MIL re Plaintiff HR expert	1.5
01/28/13	Defemse MIL - Review Patricia Howze opinion	3.5
01/29/13	Defense MIL- Work on Opp to Defendant MIL re Plaintiff HR expert	3
01/29/13	Statement of the Case - Confer w/counsel. e-mail OC re statement of the case	0.5
01/30/13	Defense MIL - Work on Opp to Defendant MIL re MeToo Evidence	2
01/31/13	Defense MIL - Work on Opp to Defendant MIL re MeToo Evidence	0.8
01/31/13	Defense MIL - Work on Opp to Defendant MIL re Lay Opinion	0.6
02/01/13	Defense MIL - Finalize opp to Defendant MIL re Me Too Evidencce	0.5
02/01/13	Defense MIL - Finalize Opp to Defenant a MIL re Plaintiff HR expert	0.4
02/01/13	Defense MIL - Work on and finalize Opp to Defendant MIL re Lay Opinion	1.1
02/03/13	Jury Instructions - Work on Memorandum of Law	6
02/04/13	Jury Instructions- Work on Memorandum of Law - Combine Matt & SR Contributions	6
	TOTAL	57

ROBINSON - TRIAL WORK

02/11/13	Attend Pretrial Conference	2.5
02/11/13	In Trial Briefing - Review Harris v.Santa Monica, Research	2
02/12/13	In Trial Briefing - Re Harris - Research and work on brief	2
02/12/13	Review draft outline of Opening statement and offer feedback	0.8
02/13/13	In Trial Briefing - Re Harris - Research re other jurisdictions jury instructions and work on brief	2
02/14/13	In Trial Briefing - Re Harris - Work on Brief	7
02/15/13	In Trial Briefing - Re Harris - Work on Brief	3
02/15/13	Review draft out line of opening statement	0.5
02/15/13	Review Defendants' briefing on Harris and revised instructions	0.6
02/16/13	Assist Angela w/review and analysis of exhibits	6
02/16/13	Review videoclips of Allen to be used by Def	0.5
02/18/13	Work on in trial motions re me too evidence and expert testimony	4
02/19/13	In Trial Briefing - Discrimination Against Others	4.25
02/22/13	In Trial Briefing - Judicial Comments/Defendant MISTRIAL motion	6
02/22/13	Confer with Co-Counsel (Angela and Matt) re Defendants subpoena	0.3
02/24/13	In Trial Briefing - Judicial Comments/Defendant MISTRIAL motion	2
02/24/13	Review draft of Cross-Examination of Ocampo / e-mail correspondence w/Angela regarding	0.5
02/24/13	Review our motion to quash subpoena and Defendants' Opposition	0.5
02/25/13	In Trial Briefing - Judicial Comments/Defendant MISTRIAL motion	6
02/27/13	In Trial Briefing - Unemployment benefits	3
	TOTAL	53.45

EXHIBIT B

ATTORNEY FEE MOTION

03/01/13	Begin research	1.2
03/01/13	Exchange e-mails w/OC re meet and confer	0.1
03/04/13	Meeting w/co-counsel re post trial motion	1.5
03/04/13	Exchange e-mails w/Richard Pearl re declaration	0.2
03/04/06	Confer w/JM re hours	0.1
03/06/13	Exchange e-mails w/OC re meet and confer	0.1
03/06/13	Research Federal cases re hourly rates	5.7
03/06/13	Confer w/AMV & MW re declarations	0.2
03/06/13	Research state case re hour rates	1.4
03/07/13	Research Federal cases re out of pocket expenses	4
03/07/13	Reconstruct time/ consult e-mail and work product	3.2
03/08/13	Research State cases re lodestar	3.8
03/08/13	Research Federal cases re lodestar	3.5
03/10/13	Reconstruct time/ consult e-mail and work product	1
03/10/13	Review prior declarations/work on new one	2
03/10/13	Research law re taxable costs	1
03/11/13	Review prior AAPLC attorney fee motions	2
03/11/13	Research state and federal precedent re expert costs	2
03/11/13	Complete research re out of pocket expenses	1
03/11/13	Confer w/AMV & MW re declarations	0.2
03/11/13	Draft -MPAs	2.6
03/12/13	Review Lexis records/ revise time records	0.5
03/12/13	Confer w/ co-counsel re out of pocket costs	0.5
03/12/13	Draft-MPAs	7
03/13/13	Exchange e-mails w/Richard Pearl re declaration	1.1
03/13/13	Meet w/co-counsel re time and out of pocket expenses	0.8
03/13/13	Calculate rough lodestar	0.4
03/13/13	Draft and send e-mail to OC re meet and confer	0.1
03/13/13	Draft MPAs	6.5
03/14/13	Draft and review MPAs	6.2
03/14/13	Confer w/AMV & MW re declarations	0.2
03/14/13	Confer w/JM re declaration	0.2
03/14/13	Draft JM declaration	0.3
03/14/13	Exchange e-mails w/Richard Pearl re declaration	0.7
03/14/13	Review Palefsky Declaration	0.2
03/14/13	Review Angela Alioto Declartion	0.4
03/14/13	Meet and confer w/ co-counsel re Atty Fee Motion	1.5
03/15/13	Review and finalize MPAs, Do moving papers	4
03/15/13	Review and finalize Declaration	3.5
03/15/13	Confer w/co-counsel re declarations	1.5
	TOTAL	72.4

APPENDIX EXHIBIT E

1 ANGELA ALIOTO, (SBN 130328)
STEVEN L. ROBINSON (SBN 116146)
2 ANGELA MIA VERONESE (SBN 269942)
MATTHEW J. WAYNE (SBN 283897)
3 **LAW OFFICES OF MAYOR JOSEPH L. ALIOTO
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Facsimile: (415) 438-4638

6 Attorneys for Plaintiff
7 **FRANK ALLEN**

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **SAN FRANCISCO DIVISION**

11
12 **FRANK ALLEN,**

13 Plaintiff(s) ,

14 v.

15 **RADIO SHACK CORPORATION,**

16
17 Defendant(s).

Case No.: CV 11-03110 WHA
Judge: Hon. William H. Alsup

**DECLARATION OF JODY A. MEISEL
SUPPORT OF PLAINTIFF'S MOTION
FOR ATTORNEY FEES**

18
19
20 Judgment Entered: March 1, 2013

21 I, Jody A. Meisel, Esq., declare as follows:

- 22 1. I am an attorney licensed to practice law in the State of California. My state bar
23 number is 109610. I was admitted in December 1983.
24 2. I received my Juris Doctor degree from the University of San Diego in 1983.
25

26 Allen v. RadioShack, Case No. CV 11-03110 WHA
27 Meisel Declaration re Attorney Fees

3. I received my Bachelor's degree at Stanford University in 1977.
4. At all times since December 1983 I have been practicing law in the state of California.
5. From 1986 through 1994, my practice consisted of civil litigation with an emphasis in Chapter 7 and 11 bankruptcy proceedings, representing both creditors and debtors. I had a variety of large and small firm experience in the West Los Angeles and Beverly Hills communities.
6. Since March 1995, I have maintained my own office, known as the Law Offices of Jody Meisel, in San Francisco. Since 1998 my practice emphasis has been Plaintiff's side employment litigation.
7. Since 1998, I have worked as co-counsel with Angela Alioto and her law firm on a nearly continuous basis. In that capacity I have tried cases with Ms. Alioto and have worked on a variety of legal projects as co-counsel.
8. In December 2001, I tried the case of F. Alioto Company vs. The City and County of San Francisco in San Francisco Superior Court as co-counsel with Angela Alioto. The Plaintiff in that case alleged the breach of a lease covenant. As a result of the trial, we obtained a Plaintiff's verdict of \$ 3,018,833. In that case, the Plaintiff was awarded attorney fees pursuant to a provision in the lease. The hourly rate for my compensation was set at \$ 325.
9. Pursuant to the request of Angela Alioto, I provided 9.4 hours of work in this case. As is my practice, I kept contemporaneous records for the services provided.
10. My work in this case consisted of the following:
12/6/2011 Review and study FRCP Rule 26(f), confer with Angela Mia Veronese

1 re Initial Disclosures (.2 hours)

2 12/8/2011 Review and study FRCP Rule 26(f), confer with Angela Mia re Initial
3 Disclosures (.2 hours)

4 12/9/2011 Read and study Complaint (.3 hours)

5 12/10/2011 Review FRCP, confer with Angela Mia re info needed for Initial
6 Disclosures (.3 hours)

7 12/10/2011 Draft Initial Disclosures (3.1 hours)

8 12/10/2011 Draft, print, review and edit Initial Disclosures (1.0 hours)

9 12/10/2011 Confer with Angela Mia re final draft of Initial Disclosures (.3 hours)

10 10/29/2012 Confer w/ AMV and witness Carlos Venegas, print documents (.3
11 hours)

12 10/30/2012 Read and study Complaint and email (.6 hours)

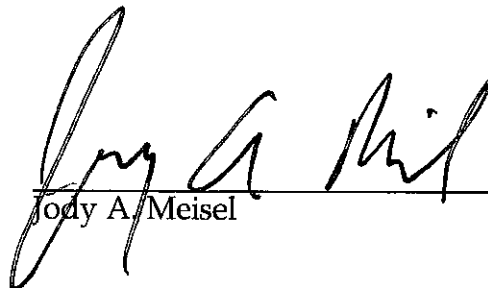
13 10/31/2012 Meet with witness Carlos Venegas (.4 hours)

14 10/31/2012 Defend deposition of witness Carlos Venegas (2.2 hours)

15 10/31/2012 Review notes, prepare deposition summary for AMV (.5 hours).

16 11. Plaintiff Frank Allen is requesting that my time be compensated at the rate of \$
17 500 per hour. I believe that reflects of fair valuation of my work given my
18 experience and the quality of my work.

19 I declare under penalty of perjury under the laws of the United States of America
20 that the foregoing is true and correct. Signed March 15, 2013, in San Francisco,
21 California.

22
23
24
25

Jody A. Meisel

APPENDIX EXHIBIT F

1 **Angela M. Alioto, (SBN 130328)**
2 **Steven L. Robinson, (SBN 116146)**
3 **Angela Mia Veronese, (SBN 269942)**
4 **Matthew J. Wayne, (SBN 283897)**
5 **LAW OFFICES OF JOSEPH L. ALIOTO**
6 **AND ANGELA ALIOTO**
7 700 Montgomery Street
8 San Francisco, CA 94111-2104
9 Telephone: (415) 434-8700
10 Facsimile: (415) 438-4638

11 *Attorneys for Plaintiff*
12 **Frank Allen**

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **Frank Allen,**

16 **Plaintiff,**

17 **VS.**

18 **Radio Shack Corporation,**

19 **Defendants.**

20) Case No.: CV 11-03110 WHA
21) Judge: Hon. William H. Alsup

22) **DECLARATION OF RICHARD M. PEARL**
23) **IN SUPPORT OF PLAINTIFF FRANK**
24) **ALLEN'S MOTION FOR ATTORNEY FEES**

25) **JUDGMENT ENTERED: March 1, 2013**

26 I, RICHARD M. PEARL, hereby declare the following:

27 1. I am a member in good standing of the California State Bar. I am in
28 private practice as the principal of my own law firm, the Law Offices of Richard M. Pearl,
in Berkeley, California. I specialize in issues related to court-awarded attorneys' fees,
including the representation of parties in fee litigation and appeals, serving as an expert
witness, and serving as a mediator and arbitrator in disputes concerning attorneys' fees

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 and related issues. In this case, I have been asked by plaintiffs' counsel to render my
 2 opinion on the reasonableness of the hourly rates they are requesting in this matter. I
 3 make this Declaration in Support of Plaintiffs' Motion for Award of Attorneys' Fees and
 4 Costs and Class Representatives' Service Awards.

5 2. Briefly summarized, my background is as follows: I am a 1969 graduate
 6 of Boalt Hall School of Law, University of California, Berkeley, California. I took the
 7 California Bar Examination in August 1969 and passed it in November of that year, but
 8 because I was working as an attorney in Atlanta, Georgia for the Legal Aid Society of
 9 Atlanta (LASA), I was not admitted to the California Bar until January 1970. I worked for
 10 LASA until summer of 1971, when I then went to work in California's Central Valley for
 11 California Rural Legal Assistance, Inc., (CRLA), a statewide legal services program.
 12 From 1977 to 1982, I was CRLA's Director of Litigation, supervising more than fifty
 13 attorneys. In 1982, I went into private practice, first in a small law firm, then as a sole
 14 practitioner. Martindale Hubbell rates my law firm "AV." I also have been selected as a
 15 Northern California "Super Lawyer" in Appellate Law for 2005, 2006, 2007, 2008, 2010,
 16 2011, 2012, and 2013. A copy of my Resume is attached hereto as Exhibit 1.

17 3. Since 1982, my practice has been a general civil litigation and appellate
 18 practice, with an emphasis on cases and appeals involving court-awarded attorneys'
 19 fees. I have lectured and written extensively on court-awarded attorneys' fees. I have
 20 been a member of the California State Bar's Attorneys Fees Task Force and have
 21 testified before the State Bar Board of Governors and the California Legislature on
 22 attorneys' fee issues. I am the author of California Attorney Fee Awards (3d ed Cal.
 23 CEB 2010) and its February 2011, 2012, and 2013 Supplements. I also was the author
 24 of California Attorney Fee Awards, 2d Ed. (Calif. Cont. Ed. of Bar 1994), and its 1995,
 25 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008
 26 Supplements. This treatise has been cited by the California appellate courts on more
 27 than 35 occasions. See, e.g., *Lolley v. Campbell* (2002) 28 Cal.4th 367, 373; *Chacon v.*
 28

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 *Litke* (2010) 181 Cal.App.4th 1234, 1259. I also authored the 1984, 1985, 1987, 1988,
 2 1990, 1991, 1992, and 1993 Supplements to its predecessor, CEB's California
 3 Attorney's Fees Award Practice. In addition, I authored a federal manual on attorneys'
 4 fees entitled *Attorneys' Fees: A Legal Services Practice Manual*, published by the Legal
 5 Services Corporation. I also co-authored the chapter on "Attorney Fees" in Volume 2 of
 6 CEB's *Wrongful Employment Termination Practice*, 2d Ed. (1997).

7 4. More than 90% of my practice is devoted to issues involving court-
 8 awarded attorney's fees. I have been counsel in over 180 attorneys' fee applications in
 9 state and federal courts, primarily representing other attorneys. I also have briefed and
 10 argued more than 40 appeals, at least 25 of which have involved attorneys' fees issues.
 11 In the past dozen or so years, I have successfully handled four cases in the California
 12 Supreme Court involving court-awarded attorneys' fees: 1) *Delaney v. Baker* (1999) 20
 13 Cal.4th 23, which held that heightened remedies, including attorneys' fees, are available
 14 in suits against nursing homes under California's Elder Abuse Act; 2) *Ketchum v. Moses*
 15 (2001) 24 Cal.4th 1122, which held, *inter alia*, that contingent risk multipliers remain
 16 available under California attorney fee law, despite the United States Supreme Court's
 17 contrary ruling on federal law (note that in *Ketchum*, I was primary appellate counsel in
 18 the Court of Appeal and "second chair" in the Supreme Court); 3) *Flannery v. Prentice*
 19 (2001) 26 Cal.4th 572, which held that in the absence of an agreement to the contrary,
 20 statutory attorneys' fees belong to the attorney whose services they are based upon;
 21 and 4) *Graham v. DaimlerChrysler Corp.* (2004) 34 Cal.4th 553, which I handled, along
 22 with trial counsel, in both the Court of Appeal and Supreme Court. I also successfully
 23 represented the plaintiffs in a previous attorneys' fee decision in the Supreme Court,
 24 *Maria P. v. Riles* (1987) 43 Cal.3d 1281, and represented *amicus curiae*, along with
 25 Richard Rothschild, in *Vasquez v. State of California* (2009) 45 Cal.4th 243. I also have
 26 handled numerous other appeals, including: *Davis v. City & County of San Francisco*
 27 (9th Cir. 1992) 976 F.2d 1536, *Mangold v. CPUC* (9th Cir. 1995) 67 F.3d 1470, *Velez v.*
 28

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 *Wynne* (9th Cir. 2007) 2007 U.S.App.LEXIS 2194; *Camacho v. Bridgeport Financial,*
 2 *Inc.* (9th Cir. 2008) 523 F.3d 973; *Center for Biological Diversity v. County of San*
 3 *Bernardino* (2010) 185 Cal.App.4th 866; and *Environmental Protection Information*
 4 *Center v. California Dept. of Forestry & Fire Protection et al* (2010) 190 Cal.App.4th 217.
 5 For an expanded list of my reported decisions, see Exhibit 1.

6 5. I also have been retained by various governmental entities at my then
 7 current rates to consult with them regarding their affirmative attorney fee claims.

8 6. I am frequently called upon to opine about the reasonableness of
 9 attorneys' fees, and my declarations on that issue have been cited favorably by
 10 numerous courts. These include: *Prison Legal News v. Schwarzenegger*, 608 F.3d 446,
 11 455 (9th Cir. 2010), in which the expert declaration referred to in that opinion is mine);
 12 *Stonebrae v. Toll Bros.* (N.D. Cal. 2011) 2011 U.S.Dist.LEXIS 39832, at *9 (thorough
 13 discussion); *Armstrong v. Brown* (N.D. Cal. 2011) 2011 U.S.Dist.LEXIS 87428;
 14 *Californians for Disability Rights, Inc. v. California Dept. of Transportation* (N.D. Cal.
 15 2010) 2010 U.S.Dist.LEXIS 141030; *Prison Legal News v. Schwarzenegger*, 561
 16 F.Supp.2d 1095 (N.D. Cal. 2008) (an earlier motion); *Oberfelder v. City of Petaluma*,
 17 2002 U.S.Dist. LEXIS 8635 (N.D. Cal. 2002)(an individual police misconduct action),
 18 *aff'd* 2003 U.S.App.LEXIS 11371 (9th Cir. 2003); *Bancroft v. Trizechahn Corp.*, C.D. Cal.
 19 No. CV 02-2373 SVW (FMOx), Order Granting Reasonable Attorneys' Fees etc., filed
 20 Aug. 14, 2006; *Willoughby v. DT Credit Corp.*, C.D. Cal. No. CV 05-05907 MMM (Cwx),
 21 Order Awarding Reasonable Attorneys' Fees After Remand, filed July 17, 2006; *A.D. v.*
 22 *California Highway Patrol*, 2009 U.S.Dist.LEXIS 110743 (N.D.Cal. 2009)(police
 23 misconduct action), appeal pending; *National Federation of the Blind v. Target Corp.*,
 24 2009 U.S.Dist.LEXIS 67139 (N.D.Cal. 2009); *Church of Scientology v. Wollersheim*, 42
 25 Cal.App.4th 628 (1996)(anti-SLAPP case); *Children's Hospital & Medical Center v.*
 26 *Bonta*, 97 Cal.App.4th 740 (2002)(challenge to government decision); *Wilkinson v. South*
 27 *City Ford*, 2010 Cal.App.Unpub. LEXIS 8680 (2010).
 28

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 7. Through my writing and practice, I have become familiar with the non-
2 contingent market rates charged by attorneys in California and elsewhere. This
3 familiarity has been obtained in several ways: (1) by handling attorneys' fee litigation;
4 (2) by discussing fees with other attorneys; (3) by obtaining declarations regarding
5 prevailing market rates in cases in which I represent attorneys seeking fees; and (4) by
6 reviewing attorneys' fee applications and awards in other cases, as well as surveys and
7 articles on attorney's fees in the legal newspapers and treatises.

8 8. In this case, I have consulted with plaintiff's counsel regarding this fee
9 application. I have become familiar with the nature of this case, its results, and
10 counsel's work. Based on my own experience and knowledge of the San Francisco Bay
11 Area legal community as set forth herein, I am of the opinion that the hourly rate of \$
12 700 per hour sought for Angela Alioto is reasonable given the fact this verdict is the fifth
13 verdict in her career of over one million dollars – including one for over one hundred
14 million dollars- and that she was admitted to the State Bar in 1987. I believe that the
15 hourly rate of \$ 600 sought for Steven Robinson is reasonable given that Mr. Robinson
16 participated as counsel in each of the million dollar verdicts obtained by Ms. Alioto, has
17 been practicing law for 28 years and has been practicing employment law for twenty
18 years. I believe that the hourly rate of \$ 400 for Angela Mia Veronese is reasonable
19 given that in her first two years of practice she was co-trial counsel for plaintiffs in two
20 cases returning damage awards of over \$ 400,000, including over \$ 1 million dollars in
21 the present matter. Based on my knowledge of the hourly rates requested by plaintiff's
22 attorneys and their respective backgrounds and experience, and the information
23 regarding hourly rates that I have gathered, some of which is summarized below, I am
24 of the opinion that the hourly rates requested by Plaintiffs' attorneys are well in line with
25 the non-contingent market rates charged for reasonably similar services by San
26 Francisco area attorneys of reasonably similar qualifications and experience. The
27 following data support my opinion:
28

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 **A. Rates found reasonable in other cases.**

2 9. The following hourly rates have been found reasonable by various courts
3 for reasonably comparable services:

4 **2012 Rates**

5 (1) *Williams v. H&R Block Enterprises, Inc.* Alameda County Superior Ct. No.
6 RG08366506, Order of Final Approval and Judgment filed November 8, 2012, a wage
7 and hour class action, in which the court found the following hourly rates reasonable:

8

9

<u>Year of Bar Admission</u>	<u>Rate</u>
10 1970	\$785
11 1976	775
12 1981	750
13 1993	650-700
14 1994-1997	500-650
15 2004	500
16 2005	470
17 2006	445-475
18 2007	450
19 2008	400
20 2009	350

21

22 (2) *American Civil Liberties Union v. Drug Enforcement Administration*, N.D.
23 Cal. No. C-11-01977 RS, Order Granting Motion for Attorneys' Fees and Litigation
24 Costs Pursuant to 5 U.S.C. §552, filed November 8, 2012, a Freedom of Information Act
25 case, in which the court found the following hourly rates reasonable:

26

27

<u>Years of Bar Admission</u>	<u>Rate</u>
28 1970	\$700

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	1996	595
2	1999	575
3	Law Clerks	150

(3) *Luquetta v. The Regents of the Univ. of California*, San Francisco Superior Ct. No. CGC-05-443007, Order Granting Plaintiffs' Motion for Common Fund Attorneys' Fees and Expenses, filed October 31, 2012, a class action to recover tuition overcharges, in which the court found the following hourly rates reasonable:

<u>Years of Bar Admission</u>	<u>Rate</u>
1977	\$850
1986	785
1991	750
1994	700
1998	625
2000	570
2001	550
2002	520
Law Clerks	250
Paralegals	215

(4) *Vasquez v. State of California*, San Diego Superior Ct. No. GIC 740832, Order re Attorney Fees, filed October 31, 2012, a fee award for appellate work defending a prior fee award, in which the court found the following hourly rates reasonable:

<u>Years of Bar Admission</u>	<u>Rate</u>
1977	\$850
1995	550-575
2008	375

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	2009	325
2	Law Clerk	150
3	Paralegal	115
4	Litigation Assistant	115

5 (5) *Davis v. Prison Health Services* (N.D. Cal. 2012) 2012 U.S.Dist.LEXIS
6 138556, an individual Fair Employment and Housing Act case, in which the court found
7 the following hourly rates reasonable:

8	<u>Years of Experience</u>	<u>Hourly Rate</u>
9	33	\$750
10	29	\$675
11	4	\$300
12	6	\$265

13 (6) *Charlebois v. Angels Baseball LP* (C.D. Cal. 2012) 2012 U.S.Dist.LEXIS
14 91069, filed May 30, 2012, a disability access class action, in which the court found the
15 following hourly rates reasonable:

16	<u>Years of Experience</u>	<u>Rate</u>
17	27	\$600-695
18	22	630
19	7	460
20	6	450
21	3	375
22	2	325
23	Paralegals	150

24 2011 Rates

25 (1) *Holloway et. al. v. Best Buy Co., Inc.* (N.D. Cal. 2011) No. 05-5056 PJH
26 (Order dated November 9, 2011), a class action alleging that Best Buy discriminated
27 against female, African American and Latino employees by denying them promotions
28

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 and lucrative sales positions, in which the court approved a lodestar award based on
 2 the following rates:

<u>Years of Experience</u>	<u>Rate</u>
37	\$825
Associates	
8	\$490
6	\$405
Law Clerks	\$225
Paralegals	\$215

11 (2) *The Grubb Co. v. Dept. of Real Estate*, Alameda County Superior Court
 12 No.

13 RG08364823, Order Motion for Attorney Fees Granted, filed March 7, 2012, an
 14 individual Writ of Mandate challenging a license suspension, in which the court found
 15 the following hourly rates reasonable (before applying 1.2 and 1.5 multipliers):

<u>Years of Experience</u>	<u>Rate</u>
42	\$625-675

18 (3) *Molina, et al. v. Lexmark International, et al.*, Los Angeles County Superior
 19 Court No. BC339177, Order Granting Petitioners' Motion for Attorneys' Fees and Costs
 20 in the Amount of \$5,722,008.07, filed October 28, 2011, a class action to recover
 21 forfeited vacation pay, in which the court found the following hourly rates reasonable
 22 (before applying a 2.0 multiplier):

<u>Years of Experience</u>	<u>Rate</u>
42	\$675
25	550
24	655-675
23	625
20	550

28 Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

17	600
9	475
6	350
Paralegals	210

2010 Rates

(1) *Armstrong v. Brown* (N.D. Cal. 2011) 2011 U.S. Dist. LEXIS 87428, an action involving fees for monitoring a consent decree, in which the court found the following 2010 hourly rates reasonable for monitoring and enforcement work:

<u>Years of Experience</u>	<u>Rate</u>
Partners	
49	\$800
31	700
27	575
14	560
Associates	
18	510
14	490
10	430
9	415
8	390
6	360
4	325
2	285
Paralegals	200-240
Litigation support/ Paralegal clerks	150-185

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

The same rates also were subsequently found reasonable in another consent decree monitoring case, *Valdivia v. Brown* (E.D. Cal. 2011) 2011 U.S.Dist.LEXIS 103935.

(2) *Stonebrae v. Toll Bros.* (N.D. Cal. 2011) 2011 U.S.Dist.LEXIS 39832, a commercial action, in which the court found the following 2010 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
46	\$800
35	675
30	630
18	515
13	520
9	550
2	330
Paralegals	225-275

(3) *Wren v. RGIS Inventory Specialists* (N.D. Cal. 2011) 2011 U.S.Dist.LEXIS 38667, a class action in which the court found the following 2010 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
40	\$725
29	675
17	650
15	500
14	625
12	465
11	440
8	375
5	365-450
4	400

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

3	350-375
Paralegals/	
Legal Assistants	100-200

(4) *Californians for Disability Rights, Inc., et al. v. California Department of Transportation, et al.* (N.D.Cal. 2010) 2010 U.S.Dist.LEXIS 141030, adopted by Order Accepting Report and Recommendation filed February 2, 2011, a class action in which the court found the following 2010 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
49	\$835
34	730
26	740
25	730
19	660
23	640
10	570
9	560
7	535
6	500
5	475
3	350
2	290
1	225-265
Senior Paralegals	265
Law Clerks	175
Case Clerks	165

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

(5) *Credit/Debit Card Tying Cases*, San Francisco County Superior Court, JCCP No. 4335, Order Granting Plaintiffs' Motion for Attorneys' Fees, Expenses, and Incentive Awards, filed August 23, 2010, an antitrust class action, in which the court found the following 2010 hourly rates reasonable (before applying a 2.0 lodestar multiplier):

<u>Years of Experience</u>	<u>Rate</u>
43	\$975
46	950
38	850
32	850
35	825
26	740
13	610
9	600
9	590
9	535
12	535
5	485
4	460
3	435
10	420
7	420
2	420
1	395

Paralegals

220-260

(6) *Savaglio, et al. v. WalMart*, Alameda County Superior Court No. C-835687-7, Order Granting Class Counsel's Motion for Attorneys' Fees, filed September

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 10, 2010, a wage and hour class action, in which the court found the following hourly
 2 rates reasonable (before applying a 2.36 multiplier):

<u>Years of Experience</u>	<u>Rate</u>
51	\$875
39	750
38	600
33	775
25	550
23	650
21	625
19	610
18	600
17	585
16	570
15	560
14	550
13	525
12	515
11	510
10	505
9	500
7	460
4	435
Law Clerks	125-260

26 (7) *McCoy v. Walczak*, San Francisco Superior Court No. CGC-09-493150,
 27 Order Granting Defendant Kenneth Walczak's Renewed Motion for Reasonable
 28 Attorneys' Fees and Costs Following Successful Motion to Strike Petitioners' Complaint
 Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

Pursuant to Code of Civil Procedure § 425.16, filed August 24, 2010, *aff'd* (2011) 2011 Cal.App.Unpub.LEXIS 7999, an anti-SLAPP case, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
48	\$760
26	520
5	330

(8) *Anderson v. Nextel Retail Stores, LLC*, (C.D.Cal. 2010) U.S.Dist. LEXIS 71598, a wage and hour class action, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
35	\$600
14	655
8	515
8	475
6	485
6	350
7	475
3	350
2	300-350
5	375
Other Partners	675-750
Other Associates	450-495
Paralegals	225-250

B. Rate Information from Surveys

10. I also base my opinion on several surveys of legal rates. For example, on August 12, 2012, the San Francisco Daily Journal published an article summarizing the Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 findings in the Valeo 2012 Halftime Report, a survey of legal billing rates conducted by
2 Valeo Partners LLC. A true and correct copy of that article is attached hereto as **Exhibit**
3 **2**. That survey showed the average partner and associate rates in Los Angeles (\$797
4 and \$550 respectively), San Diego (\$568 and \$394), and San Francisco (\$750 and
5 \$495). Likewise, on April 16, 2012, the Am Law Daily published an article describing
6 the 2012 Real Rate Report, an analysis of \$7.6 billion in legal bills paid by corporations
7 over a five-year period ending in December 2011. A true and correct copy of that article
8 is attached hereto as **Exhibit 3**. That article confirms that the rates charged by
9 experienced and well-qualified attorneys have continued to rise over this five-year
10 period, particularly in large urban areas like San Francisco.

11 11. Similarly, on February 25, 2011, the Wall Street Journal published an on-
12 line article entitled "Top Billers." A true and correct copy of that article is attached
13 hereto as **Exhibit 4**. That article listed the 2010 and/or 2009 hourly rates for more than
14 125 attorneys, in a variety of practice areas and cases, who charged \$1,000 per hour or
15 more.

16 12. Attached hereto as **Exhibit 5** is the ALM's Daily Report, dated February
17 22, 2011, listing the 2006-2009 hourly rates of numerous San Francisco attorneys.
18 Class Counsel's rates are well within the range of rates shown in this survey.

19 13. In addition, the Westlaw CourtExpress Legal Billing Reports for May,
20 August, and December 2009 (attached hereto as **Exhibit 6**) shows that attorneys with
21 as little as 19 years' experience are charging \$800 per hour or more, and that the rates
22 requested here are well within the range of those reported. The National Law Journal's
23 December 2010, nationwide sampling of law firm billing rates also lists 32 firms whose
24 highest rate is \$800 per hour or more, eleven firms whose highest rate is \$900 per hour
25 or more, and three firms whose highest rate is \$1,000 per hour or more.

26 14. Lastly, rates filed in July 2012 by counsel in *Apple Inc. v. Samsung*
27 *Electronics Co. Ltd.*, N.D. Cal. No. 11-cv-01846-LKK (PSG), support the rates
28

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

requested here. In that case, Quinn Emanuel Urquhart & Sullivan LLP, counsel for defendant Samsung, charged median partner rates of \$821 per hour and median associate rates of \$448 per hour.

C. Rates Charged by Other Law Firms

15. The standard hourly rates for litigation stated in court filings, depositions, surveys, or other sources by numerous California law firms or law firms with offices or practices in California also support counsel's rates. These include, in alphabetical order:

Adams Broadwell Joseph Cardoza

2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
29	\$700
20	650
15	550
11	495
6	375
3	300
Paralegals	145

Altshuler Berzon LLP

2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
34	\$850
26	785
21	750

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	18	700
2	14	625
3	12	570
4	11	550
5	10	520
6	6	410
7	5	385
8	4	335
9	Law Clerks	250
10	Paralegals	215

2011 Rates:

13	<u>Years Experience</u>	<u>Rate</u>
14	43	\$825
15	17	675
16	12	575
17	10	520
18	Law Clerks	225
19	Paralegals	215

Bernstein Litowitz Berger & Grossman LLP (San Diego Office)2009 Rates:

24	<u>Years Experience</u>	<u>Rate</u>
25	Partners	\$725
26	Associates	490-550

Bingham McCutchen

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

2011 Rates:

<u>Years Experience</u>	<u>Rate</u>
30	\$780

2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
13	\$655
4	480
2	400

Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg Law Firm2011 Rates:

<u>Years of Experience</u>	<u>Rate</u>
25	\$550
24	625
17	600
9	475
6	350
Paralegals	210

Blood Hurst & O'Reardon2012 Rates

<u>Years of Experience</u>	<u>Rate</u>
22	\$655
17	585

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

6	510
5	410
1	305
Paralegals	260

Chavez & Gertler2011 Rates:

<u>Years of Experience</u>	<u>Rate</u>
32	\$725
28	700
10	550
9	510
5	425
Paralegals	225

Cooper & Kirkham2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
48	\$950
37	825
11	600

Duane Morris LLP2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$325-795

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

Associates 225-450

Epstein Becker & Green LLP

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$350-855
Associates	180-475

Everett De Lano

2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
18	\$650

Farella Braun & Martel LLP

2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
31	\$715

Richard Frank

2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
36	\$700

Furth Firm LLP

2010 Rates:

<u>Years of Experience</u>	<u>Rate</u>
51	\$875
39	750

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	38	600
2	33	775
3	25	550
4	23	650
5	21	625
6	19	610
7	18	600
8	17	585
9	16	570
10	15	560
11	14	550
12	13	525
13	12	515
14	11	510
15	10	505
16	9	500
17	7	460
18	4	435

19 Law Clerks 125-260

21 Gibson, Dunn & Crutcher LLP

23 2009 Rates:

25 <u>Years Experience</u>	25 <u>Rate</u>
26 Partners	
27 26	\$905
28 32	840

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

21	785
Associates	
5	525
4	495
3	470
2	400
1	345
Paralegals	165-300

Goldstein, Demchak, Baller, Borgen & Dardarian

2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	
42	\$785
36	750
31	700
18	650
Associates	
7	470
6	445

2011 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	
41	\$725

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	35	725
2	30	700
3	24	650
4	18	600
5	17	600
6	16	550

2010 Rates:

10	<u>Years Experience</u>	<u>Rate</u>
11	Partners	
12	40	\$700
13	34	700
14	29	675
15	23	625
16	17	575
17	16	575
18	Of Counsel	
19	40	725
20	Associates	
21	15	\$500
22	11	440
23	6	375
24	5	365
25	4	355
26	3	340
27	2	325
28	1	305

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

Law Clerks	195
Paralegals	150-225

Greenberg, Taurig, LLP2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
22	\$850

Greines, Martin, Stein & Richland2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
39	\$850
27	850
17	650
15 (associate)	500
8	450
6	450
Law Clerks	100

Hadsell, Stormer, Keeny, Richardson & Renick2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
38	\$825
33	775
22-23	625

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	17	600
2	12	525
3	10	425
4	4	275
5	3	250

2010 Rates:

7	<u>Years Experience</u>	<u>Rate</u>
8	36	\$800
9	31	750
10	20-21	600
11	15	575
12	10	475-500
13	8	425
14	4	325
15	2	275
16	1	250

Howard, Rice, Nemerovski, Canady, Falk & Rabkin2010 Rates:

23	<u>Years Experience</u>	<u>Rate</u>
25	45	\$840
26	34	725
27	25	695
28	9	525

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 Paralegal

250

3 K&L Gates LLP

4
5 2010 Rates:

6
7 Years Experience

Rate

8 25

\$640

9
10 Keker & Van Nest, LLP

11
12 2010 Rates:

13
14 Years Experience

Rate

15 Partners

16 32

\$775

17 Other Partners

525-975

18 Associates

340-500

19 Paralegals/

20 Support Staff

120-260

21 Kingsley & Kingsley

22 2010 Rates:

23
24 Years Experience

Rate

25 14

\$655

26 8

475-515

27 7

475

28 6

485

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	5	375
2	3	350
3	2	300

Klee, Tuchin, Bogdanoff & Stern LLP

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	
35	\$925
25	850
18	675
14	650
11	575
Of Counsel	
11	575
Associates	
7	495
5	430
2	300
Paralegals	215

Knapp, Petersen & Clarke

2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
-------------------------	-------------

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

36	\$753
9	554
6	383

Knobbe Martin Olson & Bear LLP2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$395-710
Associates	285-450

Lawson Law Offices2011 Rates:

<u>Years Experience</u>	<u>Rate</u>
23	625
20	550

Lewis Feinberg Lee, Renaker & Jackson, P.C.2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
38	\$825
29	750
24	725
21	700
8	450

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 7 425

2 3 375

3 Senior Paralegals 250

4 Law Clerks 225

5 Litt, Estuar, & Kitson, LLP

6 2011 Rates:

7 Years Experience Rate

8 42 \$850

9 18 625

10 17 625

11 5 425

12 3 375

13 Paralegals 125-235

14 Law Clerks 225

15 2009 Rates:

16 Years Experience Rate

17 39 \$800

18 16 550

19 3 320

20 2 285

21 Paralegals 125-235

22 Law Clerks 225

23 Loeb & Loeb

24 2009 Rates:

25 Years Experience Rate

26 Partners \$475-950

27 Associates 285-450

28 Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

2008 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$450-925
Associates	260-500

Lozeau/Drury LLP2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
21	\$650
3	350

Luce, Forward, Hamilton & Scripps2010 RATES:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$350-670
Associates	\$245-445

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$360-650
Associates	\$240-540

Manatt, Phelps & Phillips2010 RATES:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$525-850

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

Associates \$200-525

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$495-850
Associates	250-505

2008 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$495-850
Associates	290-505

Minami Tamaki LLP

2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
36	\$750
15	525
5	395
Paralegal	175

Morrison Foerster, LLP

2011 Rates:

<u>Years Experience</u>	<u>Rate</u>
22	\$775
11	625
10	620
1	335

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
24	\$750

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

2008 Rates:

<u>Years Experience</u>	<u>Rate</u>
45	\$675
36	725
33	785
14	650
12	600
9	560
7	535
5	485
1	520
Paralegals	185-230

2007 Rates:

<u>Years Experience</u>	<u>Rate</u>
44	\$675
11	550
8	520
6	475
3	250

O'Melveny & Myers2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
12	\$695
4	495

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
36-37	\$860-950

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	21	820
2	16-18	700-710
3	14	595-675
4	10	590
5	8	565
6	7	540-565
7	5-6	480-520
8	2-4	395-450
9	Paralegals	225-310

Patton Boggs2010 Rates:

12	<u>Years Experience</u>	<u>Rate</u>
13	Partners	
14	14	\$830
15	29	750
16	20	750
17	33	700
18	27	700
19	13	575
20	24	550
21	14	530
22	Of Counsel	
23	30	600
24	15	500
25	Associates	
26	5	475
27	9	450
28	7	425

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

3	340
2	315
Senior Paralegals	200-265
Paralegals	170

Pillsbury Winthrop Shaw Puttman LLP2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	
30	\$705-775
Other Partners	595-965
Associates	320-650
Paralegals/	
Support Staff	85-380

Rosen, Blen & Galvan, LLP2012 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	
50	\$860
32	760
28	640
15	610
Of Counsel	
29	570
Associates	
19	540
10	470
9	460

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	7	400
2	6	400
3		
4	5	380
5	4	360
6	3	340
7	Paralegals	215-280
8	Litigation support/	
9	Paralegal clerks	150
10	Law clerks/Students	240
11	Word Processing	80
12		
13	<u>2011 Rates:</u>	
14	<u>Years of Experience</u>	<u>Rate</u>
15	Partners	
16	49	\$840
17	31	740
18	27	625
19	14	590
20	Of Counsel	
21	28	540
22	Associates	
23	18	525
24	11	465
25	10	450
26	9	440
27	8	420
28	6	385

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	5	365
2	4	350
3	3	325
4	2	315
5	Paralegals	205-275
6	Litigation support/	
7	Paralegal clerks	140-220
8	Law clerks/Students	225
9	Word Processing	75
10		
11	<u>2010 Rates:</u>	
12	<u>Years of Experience</u>	<u>Rate</u>
13	Partners	
14	48	\$800
15	30	700
16	26	575
17	13	560
18	Of Counsel	
19	27	520
20	Associates	
21	17	510
22	13	490
23	9	430
24	8	415
25	7	390
26	5	380
27	3	325
28	1	285

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	Paralegals	200-275
2	Litigation support/	
3	Paralegal clerks	135-220
4	Law clerks/Students	190
5	Word Processing	70

2009 Rates:

8	<u>Years of Experience</u>	<u>Rate</u>
---	----------------------------	-------------

Partners

10	47	\$760
11	29	674
12	25	520
13	12	500

Of Counsel

15	26	490
----	----	-----

Associates

17	16	475
18	12	475
19	9	425
20	8	400
21	7	385
22	6	360
23	4	330
24	2	295

25	Paralegals	180-250
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Litigation support/

27	Paralegal clerks	125-200
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28	Law clerks/Students	190
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Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

Word Processing 60

Rudy, Exelrod, Zieff & Lowe LLP

2010 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	
42	\$725
32	725
15	625
Associates	
21	495
13	485
8	450

Schneider Wallace Cottrell Brayton Konceky LLP

2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	
20	\$650-700
18	675
16	675
Associates	
9	500
8	500
6	450-475
4	400
3	350
Paralegals and Law Clerks	150-250

2011 Rates:

<u>Years Experience</u>	<u>Rate</u>
-------------------------	-------------

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

Partners

22	\$675
19	650-675
17	650
15	650

Associates

15	500
12-13	575
9	525
9	500
7	475
6	450
5	425
4	400

Schonbrun, DeSimone, Seplow, Harris & Hoffman2012 Rates:

<u>Years Experience</u>	<u>Rate</u>
27	\$695
22	630

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
33	\$750
25	625
24	625
8	375
6	370

Paralegals	125
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Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

Sheppard, Mullin, Richter & Hampton2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$495-820
Associates	\$270-620

2009 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	\$495-715
Associates	285-525

2008 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	\$475-795
Associates	275-455

Sidley Austin2010 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	
33	\$900
Sr. Partners	1100
Legal Assistants	120-280

Spiro Moore LLP2012 Rates:

<u>Years of Experience</u>	<u>Rate</u>
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Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 30+ \$700

2 17 600

3 Law Office of James Sturdevant

4 2011 Rate:

5 Years of Experience Rate
6 39 \$700

7 Law Office of Sheila Thomas

8 2011 Rates:

9 Years of Experience Rate
10 24 \$675

11 Townsend and Townsend and Crew

12 2010 Rates:

13 Years of Experience Rate
14 Partners \$470-750
15 Associates 260-460

16 2009 Rates:

17 Years of Experience Rate
18 Partners \$480-750
19 Associates 260-460

20 Wilson Sonsini Goodrich & Rosati PC

21 2010 Rates:

22 Years of Experience Rate
23 28 \$875
24 Other Partners 650-975
25 Associates 290-610

26 Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 Paralegals/Litigation

2 Support Staff 120-300

3 Winston & Strawn4 2009 Rates:

5 <u>Years of Experience</u>	6 <u>Rate</u>
7 Partners	\$400-995
8 Associates	210-670

9 Zelle Hofmann Voelbel & Mason, LLP10 2012 Rates:

11 <u>Years Experience</u>	12 <u>Rate</u>
13 Partners	Up to \$950
14 Associates	Up to \$540
15 Paralegals	Up to \$290
16 Law Clerks	Up to \$250

17 2010 Rates:

18 <u>Years Experience</u>	19 <u>Rate</u>
20 Partners	
21 38	\$800
22 26	\$685
23 23	650
24 22	640
25 Associates	
26 9	500
27 4	435
28 3	415

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1	2	405
2	1	395
3	Paralegals	210-290
4		

16. The hourly rates set forth above are those charged where full payment is expected promptly upon the rendition of the billing and without consideration of factors other than hours and rates. If any substantial part of the payment were to be contingent or deferred for any substantial period of time, for example, the fee arrangement would be adjusted accordingly to compensate the attorneys for those factors.

17. In my experience, fee awards are almost always determined based on current rates, *i.e.*, the attorney's rate at the time a motion for fees is made, rather than the historical rate at the time the work was performed. This is a common and accepted practice to compensate attorneys for the delay in being paid.

18. Attorneys who litigate on a wholly or partially contingent basis expect to receive significantly higher effective hourly rates in cases where compensation is contingent on success, particularly in hard-fought cases where the result is uncertain. As the case law recognizes, this does not result in any "windfall" or undue "bonus." In the legal marketplace, a lawyer who assumes a significant financial risk on behalf of a client rightfully expects that his or her compensation will be significantly greater than if no risk was involved (*i.e.*, if the client paid the bill on a monthly basis), and that the greater the risk, the greater the "enhancement." Adjusting court-awarded fees upward in contingent fee cases to reflect the risk of recovering no compensation whatsoever for hundreds of hours of labor simply makes those fee awards consistent with the legal marketplace, and in so doing, helps to ensure that meritorious cases will be brought to enforce important public interest policies and that clients who have meritorious claims will be better able to obtain qualified counsel. In my opinion, based on what I know of the legal marketplace, a contingent case with at least a 50% chance of not prevailing

Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

1 should recover a fee that is at least twice the lodestar as compensation for the
2 attorney's risk and loan of services.

3 19. The expense and risk of public interest litigation has not diminished over
4 the years; to the contrary, these cases are in many ways more difficult than ever. As a
5 result, fewer and fewer attorneys and firms are willing to take on such litigation, and the
6 few who are willing to do so can only continue if their fee awards reflect true market
7 value.

8 If called as a witness, I could and would competently testify from my personal
9 knowledge to the facts stated herein. I declare under penalty of perjury under the laws
10 of the United States that the foregoing is true and correct. Executed this 14th day of
11 March 2013, in Berkeley, California.

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13 
14 RICHARD M. PEARL

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Declaration of Richard M. Pearl in Support of Plaintiff's Attorney Fees Motion

EXHIBIT A

RESUME OF RICHARD M. PEARL

RICHARD M. PEARL
LAW OFFICES OF RICHARD M. PEARL
1816 Fifth Street
Berkeley, CA 94710
(510) 649-0810
(510) 548-5074 (facsimile)
rpearl@interx.net (e-mail)

EDUCATION

University of California, Berkeley, B.A., Economics (June 1966)
Boalt Hall School of Law, Berkeley, J.D. (June 1969)

BAR MEMBERSHIP

Member, State Bar of California (admitted January 1970)
Member, State Bar of Georgia (admitted June 1970) (inactive)
Admitted to practice before all California State Courts; the United States Supreme Court; the United States Court of Appeals for the District of Columbia and Ninth Circuits; the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California, for the District of Arizona, and for the Northern District of Georgia; and the Georgia Civil and Superior Courts and Court of Appeals.

EMPLOYMENT

LAW OFFICES OF RICHARD M. PEARL (April 1987 to Present): Civil litigation practice ("AV" rating), with emphasis on court-awarded attorney's fees, class actions, and appellate practice. Selected Northern California "Super Lawyer" in Appellate Law for 2005, 2006, 2007, 2008, 2010, 2011, and 2012.

QUALIFIED APPELLATE MEDIATOR, APPELLATE MEDIATION PROGRAM, Court of Appeal, First Appellate District (October 2000 to Present).

ADJUNCT PROFESSOR, HASTINGS COLLEGE OF THE LAW (January 1988 to Present): Teach "Public Interest Law Practice," a 2-unit course that focuses on the history, strategies, and issues involved in the practice of public interest law.

PEARL, McNEILL & GILLESPIE, Partner (May 1982 to March 1987): General civil litigation practice, as described above.

RICHARD M. PEARL

Page 2

CALIFORNIA RURAL LEGAL ASSISTANCE, INC. (July 1971 to September 1983) (part-time May 1982 to September 1983):

Director of Litigation (July 1977 to July 1982)

Responsibilities: Oversaw and supervised litigation of more than 50 attorneys in CRLA's 15 field offices; administered and supervised staff of 4-6 Regional Counsel; promulgated litigation policies and procedures for program; participated in complex civil litigation.

Regional Counsel (July 1982 to September 1983 part-time) Responsibilities: Served as co-counsel to CRLA field attorneys on complex projects; provided technical assistance and training to CRLA field offices; oversaw CRLA attorney's fee cases; served as counsel on major litigation.

Directing Attorney, Cooperative Legal Services Center (February 1974 to July 1977) (Staff Attorney February 1974 to October 1975)

Responsibilities: Served as co-counsel on major litigation with legal services attorneys in small legal services offices throughout California; supervised and administered staff of four senior legal services attorneys and support staff.

Directing Attorney, CRLA McFarland Office (July 1971 to February 1974) (Staff Attorney July 1971 to February 1972)

Responsibilities: Provided legal representation to low income persons and groups in Kern, King, and Tulare Counties; supervised all litigation and administered staff of ten.

HASTINGS COLLEGE OF THE LAW, Instructor, Legal Writing and Research Program (August 1974 to June 1978)

Responsibilities: Instructed 20 to 25 first year students in legal writing and research.

CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD, Staff Attorney, General Counsel's Office (November 1975 to January 1976, while on leave from CRLA)

Responsibilities: Prosecuted unfair labor practice charges before Administrative Law Judges and the A.L.R.B. and represented the A.L.R.B. in state court proceedings.

ATLANTA LEGAL AID SOCIETY, Staff Attorney (October 1969 to June 1971)

Responsibilities: Represented low income persons and groups as part of 36-lawyer legal services program located in Atlanta, Georgia.

RICHARD M. PEARL

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PUBLICATIONS

Pearl, *California Attorney Fee Awards, Third Edition* (Cal. Cont. Ed. Bar 2010) and February 2011 and 2012 Supplements

Pearl, *California Attorney Fee Awards, Second Edition* (Cal. Cont. Ed. Bar 1994), and 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008 Supplements

Graham v. DaimlerChrysler Corp. and Tipton-Whittingham v. City of Los Angeles, Civil Litigation Reporter (Cal. Cont. Ed. Bar Feb. 2005)

Current Issues in Attorneys' Fee Litigation, California Labor and Employment Law Quarterly (September 2002 and November 2002)

Flannery v. Prentice: Shifting Attitudes Toward Fee Agreements and Fee-Shifting Statutes, Civil Litigation Reporter (Cal. Cont. Ed. Bar Nov. 2001)

A Practical Introduction to Attorney's Fees, Environmental Law News (Summer 1995)

Wrongful Employment Termination Practice, Second Edition (Cal. Cont. Ed. Bar 1997) (co-authored chapter on "Attorney Fees")

California Attorney's Fees Award Practice (Cal. Cont. Ed. Bar 1982) (edited), and 1984 through 1993 Supplements

Program materials on attorney fees, prepared as panelist for CEB program on "Attorneys' Fees: Practical and Ethical Considerations in Determining, Billing, and Collecting" (October 1992)

Program materials on "Attorney's Fees in Administrative Proceedings" California Continuing Education of the Bar, prepared as panelist for CEB program on "Effective Representation Before California Administrative Agencies" (October 1986)

Program materials on "Attorney's Fees in Administrative Proceedings" California Continuing Education of the Bar, prepared as panelist for CEB program on "Attorneys' Fees: Practical and Ethical Considerations" (March 1984)

Settlers Beware/The Dangers of Negotiating Statutory Fee Cases, (September 1985) Los Angeles Lawyer

Program Materials on "Remedies Training" (Class Actions), Sponsored by Legal Services Section, California State Bar, San Francisco (May 1983)

RICHARD M. PEARL

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Attorneys' Fees: A Legal Services Practice Manual (Legal Services Corporation 1981)

PUBLIC SERVICE

Member, Attorneys' Fee Task Force, California State Bar

Vice President, Board of Directors, California Rural Legal Assistance Foundation

REPRESENTATIVE REPORTED CASES

Boren v. California Department of Employment
(1976) 59 Cal.App.3d 250

Cabrera v. Martin
(9th Cir. 1992) 973 F.2d 735

Camacho v. Bridgeport Financial, Inc.
(9th Cir. 2008) 523 F.3d 973

Campos v. E.D.D.
(1982) 132 Cal.App.3d 961

Center for Biological Diversity v. County of San Bernardino
(2010) 185 Cal.App.4th 866

Committee to Defend Reproductive Rights v. A Free Pregnancy Center
(1991) 229 Cal.App.3d 633

David C. v. Leavitt
(D. Utah 1995) 900 F.Supp. 1547

Delaney v. Baker
(1999) 10 Cal.4th 23

Employment Development Dept. v. Superior Court (Boren)
(1981) 30 Cal.3d 256

Environmental Protection Information Center, Inc. v. Pacific Lumber Co.
(N.D. Cal. 2002) 229 F. Supp.2d 993, *aff'd* (9th Cir. 2004) 103 Fed. Appx. 627

Flannery v. Prentice
(2001) 26 Cal. 4th 572

RICHARD M. PEARL

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(2004) 34 Cal. 4th 553

Horsford v. Board of Trustees of Univ. of Calif.
(2005) 132 Cal.App.4th 359

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(2001) 24 Cal.4th 1122

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(1978) 78 Cal.App.3d 951, cert. denied (1979)
440 U.S. 951

Lealao v. Beneficial California, Inc.
(2000) 82 Cal.App.4th 19

Lewis v. California Unemployment Insurance Appeals Board
(1976) 56 Cal.App.3d 729

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(N.D. Cal. 1984) 580 F.Supp. 714,
aff'd (9th Cir. 1986) 792 F.2d 762

Mangold v. California Public Utilities Commission
(9th Cir. 1995) 67 F.3d 1470

Maria P. v. Riles
(1987) 43 Cal.3d 1281

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(N.D. Cal. 1976) 411 F.Supp. 5
aff'd (9th Cir. 1977) 573 F.2d 555

McSomebodies v. Burlingame Elementary School Dist.
(9th Cir. 1990) 897 F.2d 974

McSomebodies v. San Mateo City School Dist.
(9th Cir. 1990) 897 F.2d 975

Moore v. Bank of America
(9th Cir. 2007) 2007 U.S. App. LEXIS 19597

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Moore v. Bank of America

(S.D. Cal. 2008) 2008 U.S. Dist. LEXIS 904

Mora v. Chem-Tronics, Inc.

(S.D. Cal. 1999) 1999 U.S. Dist. LEXIS 10752,
5 Wage & Hour Cas. 2d (BNA) 1122

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(1975) 50 Cal.App.3d 694

Ponce v. Tulare County Housing Authority

(E.D. Cal 1975) 389 F.Supp. 635

Ramirez v. Runyon

(N.D. Cal. 1999) 1999 U.S. Dist. LEXIS 20544

Rubio v. Superior Court

(1979) 24 Cal.3d 93 (amicus)

Sokolow v. County of San Mateo

(1989) 213 Cal. App. 3d. 231

S.P. Growers v. Rodriguez

(1976) 17 Cal.3d 719 (amicus)

Tongol v. Usery

(9th Cir. 1979) 601 F.2d 1091,
on remand (N.D. Cal. 1983) 575 F.Supp. 409,
revs'd (9th Cir. 1985) 762 F.2d 727

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(1976) 17 Cal.3d 671 (amicus)

United States (Davis) v. City and County of San Francisco

(N.D. Cal. 1990) 748 F.Supp. 1416, *aff'd in part*
and revs'd in part sub nom Davis v. City and County
of San Francisco (9th Cir. 1992) 976 F.2d 1536,
modified on rehearing (9th Cir. 1993) 984 F.2d 345

United States v. City of San Diego

(S.D.Cal. 1998) 18 F.Supp.2d 1090

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Representative Reported Cases (cont.)

Vasquez v. State of California
(2008) 45 Cal.4th 243 (amicus)

Velez v. Wynne
(9th Cir. 2007) 2007 U.S. App. LEXIS 2194

REFERENCES

Furnished upon request.

March 2012

EXHIBIT B

SF Daily Journal
August 10, 2012

Associate billing rates start climbing again

*Average rates going
back up after stagnation
brought on by recession*

By Kevin Lee

Daily Journal Staff Writer

Average law firm billing rates are back on the rise after stagnating somewhat in the years following the 2008 financial crisis. But most of the action is taking place in associate billing rates, which jumped 7.5 percent in the first half of the year compared to the same period in 2011, more than twice the average rate increase in partner billing rates nationwide.

Industry experts say the discrepancy appears to be the market correcting itself after firms sloughed off associates and froze associate hiring in 2009 and 2010.

Partner billing rates, by comparison, rose 3.4 percent in the first half of the year compared to the year-earlier period, according to the latest research by Valeo Partners LLC, a Washington D.C.-based consulting firm.

Valeo compiled data on the billing rates of lawyers at 550 U.S. law firms through publicly available documents, such as court filings, fee applications and disclosure statements submitted to federal agencies.

Chuck Chandler, a Valeo co-founder and partner, said this year's rate increases were instituted to offset the lack of rate movement during the recession.

"The associates took the hit after 2008. Some firms laid off as much as 10 percent of their associates, delayed hiring new classes and froze compensation," he said. "Naturally, billing rates were slow to increase during that period."

For the first six months of this year, California markets all saw associate rate increases below the national average. Associates in San Francisco and Silicon Valley together claimed the highest average rate increase of the California markets — 7.3 percent.

"Northern California has all of the social media, the technology companies, which creates a lot of dealmaking and IPOs and also good fees and hourly rates," Chandler said.

By comparison, Los Angeles associates saw their rates go up an average of 6.6 percent. In San Diego, associate rates rose 4.2 percent.

Law firms generally increase billing rates each year, according to Sheppard, Mullin, Richter & Hampton LLP partner Marc A. Sockol, who manages the firm's Palo Alto office.

"If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks," Sockol said. "During those first couple years of this recession, we chose not to

See Page 5 — ASSOCIATE

SAN FRANCISCO DAILY JOURNAL

LAW FIRI

Average Law Firm Billing Rates

Location	Position	2012	2011	Percent Increase
Los Angeles	Partner	\$622	\$598	3.9%
	Associate	\$460	\$442	4.1%
San Diego	Partner	\$568	\$568	0%
	Associate	\$394	\$378	4.2%
San Francisco	Partner	\$675	\$655	3.2%
	Associate	\$482	\$455	6.0%
National	Partner	\$750	\$725	3.4%
	Associate	\$495	\$460	7.5%

Source: Vaeo 2012 Halftime Report

Associate billing rates going up

Continued from page 1

boost our billing rates."

Sockol declined to provide specific billing rates but said the firm varies its associate rates by practice group and geography. For 2012, the firm raised associate billing rates roughly 3 percent, he said.

James G. Leipold, executive director of the National Association for Law Placement in Washington D.C., said the jump in billing rates results from the overall decrease of associates at law firms, especially at large law firms. Large law firms, which are the biggest employers of junior lawyers, are relying less on partnership-track associates and more on staff lawyers, paralegals and contract lawyers.

NALP data reveals that from 2008 to 2011, large law firms on average hired entry-level associates at an

annual starting salary of \$160,000. Some law firms cut their starting salaries to \$145,000 during that time but not many. Leipold said he thought more firms would follow suit.

"If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks."

— Marc A. Sockol

"What we saw was that law firms reduced their associate class sizes dramatically, but they didn't reduce their pay," Leipold said. "They just

provided many fewer jobs."

Some large firms have turned to creating nonpartnership-track staff lawyer positions for new classes of junior lawyers, whose billing rates and compensation are lower than those of partnership-track associates.

Law firms can then maintain or increase the billing rates for the small number of associates on the partnership track, knowing they can turn to their staff lawyers, paralegals or contract lawyers to drive down the cost of legal services for clients.

"I think you'll see that [approach] more in the next couple of years," Leipold said. "It's another way for them to bring the salary structure back down and meet the cost-containment demands of clients and use people more efficiently."

kevin_jee@dailyjournal.com

EXHIBIT C

When It Comes to Billing, Latest Rate Report Shows the Rich Keep Ge... <http://amlawdaily.typepad.com/amlawdaily/2012/04/report-rates-kee...>

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The Firms

April 16, 2012 5:20 PM

When It Comes to Billing, Latest Rate Report Shows the Rich Keep Getting Richer

Posted by Sara Randazzo

Hourly rates just keep rising—and the best-paid lawyers are raising their rates faster than everyone else.

Those are two of the key findings contained in the [2012 Real Rate Report](#), an analysis of \$7.6 billion in legal bills paid by corporations over a five-year period ending in December 2011. The report, released Monday, is the second such collaboration between TyMetrix, a company that manages and audits

When It Comes to Billing, Latest Rate Report Shows the Rich Keep Ge... <http://amlawdaily.typepad.com/amlawdaily/2012/04/report-rates-kee...>

legal bills for corporate legal departments, and the Corporate Executive Board.

Many of the new rate report's findings echo those contained in the 2010 study, including the fact that rates keep going up, almost across the board, and that the cost of a given matter can vary dramatically depending on a law firm's size and location and its relationship with a particular client.

At the same time, this year's study shows that the legal sector is becoming increasingly bifurcated, with top firms raising rates faster than those at the bottom of the market and large firms charging a premium price based purely on their size.

"What it's really showing is that there's an increased premium being paid for experience and expertise," says Julie Peck, vice president of strategy and market development at TyMetrix. "Some parts of the lawyer market are able to raise rates much more quickly, and are more impervious to economic forces than others."

To compile the current rate report, TyMetrix received permission from its clients to examine legal fees billed to 62 companies across 17 industries including energy, finance, retail, technology, insurance, and health care. The bills, which represent the amount actually paid by the companies in question rather than the amount initially charged, came from more than 4,000 firms in 84 metropolitan areas around the country. Every firm on the 2011 Am Law 100 is represented in the data.

The report's key data points include:

A Widening Gap: Hourly rates charged by lawyers in the legal sector's upper echelon grew faster between 2009 and 2011 than those charged by lawyers toiling on the lower rungs. Particularly striking was the jump in associate rates billed by those falling in the report's top quartile: 18 percent on average, to just over \$600 per hour. Rates billed by top quartile partners, meanwhile, rose 8 percent, to just under \$900 per hour. In the bottom quartile, associate rates rose 4 percent and partner rates rose 3 percent during the same period.

The Recession's (Minor) Toll: Even amid the economic downturn, the cost of an hour of a lawyer's time continued to rise faster than key measures of inflation. That said, the legal industry wasn't completely immune to the broader economy's slowdown. After rising 8.2 percent between 2007 and 2008, hourly rates rose just 2.3 percent in 2009. Law firms bounced back a bit last year, with rates climbing 5.1 percent, to an average of \$530 an hour.

Location Counts: Not surprisingly, lawyers working in major metropolitan areas—where, as the rate report notes, rents are typically higher—are the priciest. An address in Boston, Chicago, Los Angeles, San Francisco, or Washington, D.C., alone adds about \$161 to the hourly rate charged by an individual lawyer. Those six cities and Baltimore, Houston, Philadelphia, and San Jose are the ten U.S. markets with the highest hourly rates. With an average partner rate topping \$700 per hour and average associate rate of more than \$450 per hour, New York is the most expensive market in the country. The least expensive? Riverside, California, where the average partner bills at under \$250 per hour and associates bill at just over \$300 an hour.

In the Minority: A small group of lawyers—12 percent—bucked the trend toward higher fees and actually lowered rates between 2009 to 2011—and 3 percent trimmed rates by \$50 or more per hour. (Most of those in the rate-cutting camp were based outside the big six markets identified above.) At the other end of the spectrum, 52 percent of lawyers increased rates by between \$25 and \$200 or more per hour. Another 18 percent increased rates by less than \$25 per hour, and the final 18 percent held rates steady.

First-Year Blues: Even before the recession hit, clients balked at paying for what they considered on-the-job training for first-year associates. The latest rate report is likely to reinforce that reluctance, given its finding that using entry-level lawyers adds as much as 20 percent to the cost of a legal matter. The report offers evidence that firms may be accommodating clients on this front: The percentage of bills attributed to entry-level associates dropped from 7 percent in 2009 to 2.9 percent last year.

Ties That Bind: The more work one firm handles for a client—and the longer the client relationship extends—the higher the average rate the firm charges. For companies that paid one firm \$10 million or more in a single year, the average hourly rate paid was \$553 in 2011. By comparison, clients that limited their spending on an individual firm to \$500,000 paid that firm an average of \$319 per hour.

Four-Digit Frontier: Data has consistently shown that many lawyers hesitate to charge more than \$1,000 an hour, and in 2011 just under 3 percent of the lawyers covered by the rate report had broken that barrier. Of those, the vast majority were working in the six main legal markets identified above and 60 percent of the time, they billed in increments of one hour or less.

Playing Favorites: Across all practice areas, 90 percent of lawyers charged different clients different rates for similar types of work. (The figure for mergers and acquisitions lawyers was 100 percent.) The differences from client to client can be extreme, and were even more pronounced in the current report than in the 2010 edition. Rates charged by intellectual property specialists, for instance, had a median variance of 23.1 percent, while lawyers doing commercial and contract work showed a 18.7 percent median difference.

Who's Doing What? A closer look at law firm bills for work performed on litigation and intellectual property assignments shows that the kind of timekeeper billing on a matter varies by practice type. On patent matters, the report shows, 47 percent of hours billed on average are attributed to paralegals, and 37 percent by partners. By comparison, paralegals account for just 8 percent of the work done on labor and employment litigation hours, while partners handle 45 percent.

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The Big Law law firm is a dinosaur - a dying species. This kind of self-interested greed will ultimately kill the beast.

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
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FEBRUARY 18, 2011

Top Billers

Top billers in the U.S. are ranked by the amount of money they received from the federal government in 2010. The list is based on data from the U.S. Department of the Treasury, which released the information on February 18, 2011. The list is based on data from the U.S. Department of the Treasury, which released the information on February 18, 2011. The list is based on data from the U.S. Department of the Treasury, which released the information on February 18, 2011.

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Top Billers

Topologists in the US were working on this until 1960, at which time, when a group of Russian mathematicians, including Vladimir Arnold, came to the US, they brought with them the theory of Chern classes. With this, the problem was solved. The "ironic" part of the story is that Chern classes were discovered by Shiing-Shen Chern in 1946, but it took 14 years before they were known to the US. Chern was a Chinese mathematician who worked in the US from 1949 to 1953, and then returned to China. He was one of the first Chinese mathematicians to work in the US.

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Name	Phone	Address Area	City/State	Business	Salary	Comments	Date
Abraham, Michael	555-1234	123 Main St	NYC, NY	Software Engineer	\$120,000	Excellent performance	2010
Robert, John	555-5678	456 Oak Ave	LA, CA	Marketing Manager	\$95,000	Good performance	2010
Thomas, Andrew	555-9012	789 Pine St	CHI, IL	Product Designer	\$110,000	Strong performance	2010
Elizabeth, Sarah	555-3456	101 Maple Dr	SEA, WA	UX Researcher	\$105,000	Good performance	2010
David, Kim	555-7890	202 Elm St	PHI, PA	Business Analyst	\$85,000	Average performance	2010
Emily, Rachel	555-2345	303 Cedar Ln	BOS, MA	Front-end Developer	\$100,000	Good performance	2010
Michael, James	555-6789	404 Birch Ave	ATL, GA	Backend Developer	\$90,000	Good performance	2010
Oliver, Jack	555-0123	505 Walnut St	PHI, PA	Mobile App Developer	\$115,000	Excellent performance	2010
Sophia, Anna	555-4567	606 Spruce Dr	PHI, PA	Product Manager	\$125,000	Excellent performance	2010
Isabella, Sofia	555-8901	707 Ash St	PHI, PA	Marketing Specialist	\$80,000	Average performance	2010
Thomas, Jeffrey	555-2345	808 Hickory Ave	PHI, PA	Software Engineer	\$100,000	Good performance	2010
Nancy, Julie	555-6789	909 Maple Dr	PHI, PA	Business Analyst	\$90,000	Good performance	2010
Benjamin, William	555-0123	1010 Oak St	PHI, PA	Software Engineer	\$110,000	Good performance	2010
Jacob, Jonathan	555-4567	1111 Pine St	PHI, PA	Software Engineer	\$105,000	Good performance	2010
Emily, Grace	555-8901	1212 Elm Ave	PHI, PA	Marketing Manager	\$95,000	Good performance	2010
William, Henry	555-2345	1313 Cedar St	PHI, PA	Software Engineer	\$100,000	Good performance	2010
Olivia, Rose	555-6789	1414 Birch Ave	PHI, PA	Product Designer	\$110,000	Good performance	2010
James, Alexander	555-0123	1515 Walnut St	PHI, PA	Software Engineer	\$105,000	Good performance	2010
Charlotte, Victoria	555-4567	1616 Spruce Dr	PHI, PA	Marketing Specialist	\$85,000	Average performance	2010
Benjamin, William	555-8901	1717 Ash St	PHI, PA	Software Engineer	\$110,000	Good performance	2010
Emily, Grace	555-2345	1818 Hickory Ave	PHI, PA	Marketing Manager	\$95,000	Good performance	2010
William, Henry	555-6789	1919 Maple Dr	PHI, PA	Software Engineer	\$100,000	Good performance	2010
Olivia, Rose	555-0123	2020 Oak St	PHI, PA	Product Designer	\$110,000	Good performance	2010
James, Alexander	555-4567	2121 Pine St	PHI, PA	Software Engineer	\$105,000	Good performance	2010
Charlotte, Victoria	555-8901	2222 Elm Ave	PHI, PA	Marketing Specialist	\$85,000	Average performance	2010
Benjamin, William	555-2345	2323 Cedar St	PHI, PA	Software Engineer	\$110,000	Good performance	2010
Emily, Grace	555-6789	2424 Birch Ave	PHI, PA	Marketing Manager	\$95,000	Good performance	2010
William, Henry	555-0123	2525 Walnut St	PHI, PA	Software Engineer	\$100,000	Good performance	2010
Olivia, Rose	555-4567	2626 Spruce Dr	PHI, PA	Product Designer	\$110,000	Good performance	2010
James, Alexander	555-8901	2727 Ash St	PHI, PA	Software Engineer	\$105,000	Good performance	2010
Charlotte, Victoria	555-2345	2828 Hickory Ave	PHI, PA	Marketing Manager	\$95,000	Good performance	2010
Benjamin, William	555-6789	2929 Maple Dr	PHI, PA	Software Engineer	\$100,000	Good performance	2010
Emily, Grace	555-0123	3030 Oak St	PHI, PA	Product Designer	\$110,000	Good performance	2010
William, Henry	555-4567	3131 Pine St	PHI, PA	Software Engineer	\$105,000	Good performance	2010
Olivia, Rose	555-8901	3232 Elm Ave	PHI, PA	Marketing Specialist	\$85,000	Average performance	2010
James, Alexander	555-2345	3333 Cedar St	PHI, PA	Software Engineer	\$110,000	Good performance	2010
Charlotte, Victoria	555-6789	3434 Birch Ave	PHI, PA	Marketing Manager	\$95,000	Good performance	2010
Benjamin, William	555-0123	3535 Walnut St	PHI, PA	Software Engineer	\$100,000	Good performance	2010
Emily, Grace	555-4567	3636 Spruce Dr	PHI, PA	Product Designer	\$110,000	Good performance	2010
William, Henry	555-8901	3737 Ash St	PHI, PA	Software Engineer	\$105,000	Good performance	2010
Olivia, Rose	555-2345	3838 Hickory Ave	PHI, PA	Marketing Manager	\$95,000	Good performance	2010
James, Alexander	555-6789	3939 Maple Dr	PHI, PA	Software Engineer	\$100,000	Good performance	2010
Charlotte, Victoria	555-0123	4040 Oak St	PHI, PA	Product Designer	\$110,000	Good performance	2010
Benjamin, William	555-4567	4141 Pine St	PHI, PA	Software Engineer	\$105,000	Good performance	2010
Emily, Grace	555-8901	4242 Elm Ave	PHI, PA	Marketing Specialist	\$85,000	Average performance	2010
William, Henry	555-2345	4343 Cedar St	PHI, PA	Software Engineer	\$110,000	Good performance	2010
Olivia, Rose	555-6789	4444 Birch Ave	PHI, PA	Marketing Manager	\$95,000	Good performance	2010
James, Alexander	555-0123	4545 Walnut St	PHI, PA	Software Engineer	\$100,000	Good performance	2010
Charlotte, Victoria	555-4567	4646 Spruce Dr	PHI, PA	Product Designer	\$110,000	Good performance	2010
Benjamin, William	555-8901	4747 Ash St	PHI, PA	Software Engineer	\$105,000	Good performance	2010
Emily, Grace	555-2345	4848 Hickory Ave	PHI, PA	Marketing Manager	\$95,000	Good performance	2010
William, Henry	555-6789	4949 Maple Dr	PHI, PA	Software Engineer	\$100,000	Good performance	2010
Olivia, Rose	555-0123	5050 Oak St	PHI, PA	Product Designer	\$110,000	Good performance	2010

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Wang (2018) China's economic growth is still facing a lot of challenges, such as the aging population, the environmental pollution, and the income inequality.

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Source: *Wages and prices, Washington, D.C.*; *Notes: Based on recent filings in a range of bankruptcy cases. Some data may have been obtained from public records, and may not reflect the actual data.*

(See continuation)

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EXHIBIT E

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Linda, Joelle Maggie, Robert G.	Chairman Rubber Maggie, Robert G.	Colony Pacific Seymour, William and Steve Corp.	First Chairman and James Day	San Francisco San Francisco	CA CA	United States United States	2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 265

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Continued from SI-75 of 95 months

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EXHIBIT F

Westlaw CourtExpress
LEGAL BILLING REPORT

VOLUME 11, NUMBER 1

May 2009

BY BILLING RATE

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
P Kelly, Jr. Daniel	Davis Park & Wardwell (CA)	1986	1986	CA	\$ 950.00	4.50	\$ 4,320.00
P Carless, Julie	Davis Park & Wardwell (CA)	1990	1990	CA	955.00	17.00	16,235.00
P Dunham, Scott	O'Walshy & Myers LLP (CA)	1975	1975	CA	850.00	1.00	846.00
P Tuchin, Michael	Kies, Tuchin, Boudinoff & Stern, LLP	1990	1990	CA	850.00	0.50	425.00
P Eisebeck, Karen	Weil, Gotshal & Manges LLP (CA)	1986	1986	CA	798.00	0.50	638.20
OC Morris, Michael	Gibson Dunn & Crutcher, LLP (CA)	1975	1975	CA	790.00	4.50	3,955.00
P Auerch, Craig	Hanftman Barnett & Dorman LLP	1979	1979	CA	760.00	48.20	48,582.00
P Kharasch, Jr. D.	White & Case LLP (CA)	1984	1984	CA	760.00	128.10	96,075.00
P Kornfeld, Alan	Pachulski Stang Zehl Young Jones & Weintraub (CA)	1982	1982	CA	760.00	2.90	2,175.00
A Lamb, Peter	Davis Park & Wardwell (CA)	1987	1987	CA	725.00	0.40	580.00
P Irvine, Jaime E.	Hanftman Barnett & Dorman LLP	2005	2005	CA	680.00	101.40	68,892.00
P Kervana, Henry	Pachulski Stang Zehl Young Jones & Weintraub (CA)	1978	1978	CA	680.00	10.10	8,868.00
A Goodrich, Ronald	White & Case LLP (CA)	1985	1985	CA	675.00	19.10	12,892.50
P Brown, Kenneth H.	Pachulski Stang Zehl Young Jones & Weintraub (CA)	2001	2001	CA	665.00	176.20	117,173.00
P Fidler, David	Kies, Tuchin, Boudinoff & Stern, LLP	1997	1997	CA	650.00	27.30	17,745.00
P Weltsman, Henry	Munger, Toles & Olson LLC	1987	1987	CA	650.00	23.10	15,015.00
P Bernstein, David M.	Pachulski Stang Zehl Young Jones & Weintraub (CA)	1989	1989	CA	645.00	35.60	23,962.00
P Montgomery, Carmel	Gibson Dunn & Crutcher, LLP (CA)	1987	1987	CA	635.00	0.80	508.00
P Brown, Dennis	Munger Toles & Olson LLC	1970	1970	CA	625.00	17.80	11,125.00
P Vincent, Garth	White & Case LLP (CA)	2001	2001	CA	610.00	13.50	8,235.00
A Delcatt, Shira	White & Case LLP (CA)	2003	2003	CA	600.00	183.70	110,220.00
A Buchanan, Laura	White & Case LLP (CA)	2004	2004	CA	600.00	124.50	74,700.00
A Gee Kwang-chun, S.	Weil, Gotshal & Manges LLP (CA)	1981	1981	CA	590.00	20.96	12,540.00
A Eszter, David	Gibson Dunn & Crutcher, LLP (CA)	2003	2003	CA	590.00	0.20	118.00
P Horst, Jeffrey	Munger Toles & Olson LLC	2003	2003	CA	570.00	2.90	1,653.00
P Fried, Joshua	Pachulski Stang Zehl Young Jones & Weintraub (CA)	1984	1984	CA	550.00	35.10	19,305.00
P Ruten, James	Munger, Toles & Olson LLC	1985	1985	CA	535.00	21.40	11,449.00
A Morris, Joshua	Hanftman Barnett & Dorman LLP	1997	1997	CA	525.00	24.60	13,546.00
A Malachuk, Michael	Weil, Gotshal & Manges LLP (CA)	2000	2000	CA	505.00	13.10	8,615.50
A Bestup, Melissa	Gibson Dunn & Crutcher, LLP (CA)	2005	2005	CA	500.00	36.50	18,250.00
A Liu, Leslie	Weil, Gotshal & Manges LLP (CA)	2006	2006	CA	470.00	14.00	6,580.00
A Kaufman, Derek	Munger, Toles & Olson LLC	2006	2006	CA	465.00	45.90	21,343.50
A Hochstetler, Brian	Munger, Toles & Olson LLC	2005	2005	CA	450.00	508.30	229,735.00
A Nalban, Joseph	Weil, Gotshal & Manges LLP (CA)	2002	2002	CA	435.00	0.20	130.20
A Jaspert, M. Lenca	Munger Toles & Olson LLC	2007	2007	CA	415.00	25.20	10,458.00
A Schmitt, Barry	Munger Toles & Olson LLC	2008	2008	CA	400.00	86.20	38,480.00
A Rubin, Brenda E.	O'Walshy & Myers LLP (CA)	2008	2008	CA	400.00	8.60	3,520.00
		2008	2008	CA	385.00	8.40	3,318.00

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
A. Schneider, Bradley	Mencar, Tollos & Olson LLC	2004	2004	CA	\$ 395.00	1.30	\$ 513.50
A. Rescan, Matthew	Wall, Golshai & Marquis LLP (CA)	2008	2008	CA	355.00	13.60	4,792.50
A. Sazonov, Tanya	Chakravarty & Myers LLP (CA)	2007	2007	CA	380.00	2.50	825.00
PP. Mehta, Ruchi	Chakravarty & Myers LLP (CA)				280.00	6.20	1,512.00
PP. Pearson, Neelie	Pachuta, Slano, Zickl, Young, Jones & Weintraub (CA)				225.00	27.60	6,210.00
Jeffrey, Patricia J.	Pachuta, Slano, Zickl, Young, Jones & Weintraub (CA)				225.00	0.40	90.00
PP. Pearson, Sandra	Klea, Tschier, Saperstein & Stern, LLP			CA	215.00	1.90	408.50
PP. Florio, Kevin	Hennigan, Bernstein & Dornash LLP				210.00	0.30	53.00
PP. Knolls, Cheryl	Pachuta, Slano, Zickl, Young, Jones & Weintraub (CA)				205.00	2.20	451.00
Chia-Ren, Sherry	Pachuta, Slano, Zickl, Young, Jones & Weintraub (CA)				125.00	2.60	325.00

Westlaw CourtExpress

LEGAL BILLING REPORT

VOLUME 11, NUMBER 2

August 2009

BY BILLING RATE

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
P. Tallas, Stephen L.	Gibson Dunn & Crutcher, LLP (CA)	1982	1982	CA	\$ 860.00	0.10	\$ 80.00
P. Patterson, Thomas	Klee, Tuchin, Bogdanoff & Stern, LLP	1984	1984	CA	\$50.00	225.00	191,250.00
P. Tuckin, Michael	Klee, Tuchin, Bogdanoff & Stern, LLP	1990	1990	CA	\$50.00	74.40	63,240.00
P. Stern, David	Klee, Tuchin, Bogdanoff & Stern, LLP	1975	1975	CA	\$50.00	32.90	27,865.00
P. Isner, Paul S.	Gibson Dunn & Crutcher, LLP (CA)	1988	1988	CA	\$40.00	6.35	5,634.00
P. Arnold, Dennis	Gibson Dunn & Crutcher, LLP (CA)	1975	1976	CA	\$40.00	4.10	3,444.00
P. Timmons, Brian	Offin Emanuel Unquhart Oliver & Hodges, LLP	1981	1981	CA	\$20.00	72.80	58,696.00
P. Ballack, Karen	Well, Goodrich & Mannes LLP (CA)	1986	1986	CA	\$10.00	40.40	32,724.00
P. Ziehl, Dean A.	Pechelski Stang Ziehl Young Jones & Weintraub (CA)	1978	1978	CA	\$95.00	20.30	16,136.50
P. Gilmore, Danielle	Offin Emanuel Unquhart Oliver & Hodges, LLP	1993	1993	CA	\$75.00	9.60	7,362.50
P. Averch, Craig	White & Case LLP (CA)	1984	1984	CA	\$50.00	188.20	141,900.00
P. Koller, Tobias	Jones Day (CA)	1990	1990	CA	\$50.00	1.90	1,425.00
P. Baker, James	Jones Day (CA)	1980	1980	CA	\$50.00	0.20	150.00
P. Wiksten, Eric D.	Offin Emanuel Unquhart Oliver & Hodges, LLP	1999	1999	CA	\$40.00	7.10	5,254.00
P. Ona, Johanna Y.	Offin Emanuel Unquhart Oliver & Hodges, LLP	1997	1997	CA	\$40.00	6.30	4,962.00
P. Kornfeld, Alvin	Pechelski Stang Ziehl Young Jones & Weintraub (CA)	1987	1987	CA	\$25.00	10.10	7,322.50
P. Bork, Jeffrey E.	Sidley Austin Brown & Wood LLP (CA)	1987	1988	CA	\$100.00	110.50	77,630.00
P. Myers, Martin	Jones Day (CA)	1987	1987	CA	\$65.00	221.50	147,287.50
P. Grassgreen, Debra L.	Pechelski Stang Ziehl Young Jones & Weintraub (CA)	1991	1991	CA	\$85.00	112.70	80,624.50
P. Gustafson, Mark E.	White & Case LLP (CA)	1988	1988	CA	\$65.00	39.40	28,595.00
P. Arashi, Doris	Gibson Dunn & Crutcher, LLP (CA)	1985	1985	CA	\$65.00	221.50	147,287.50
P. Montemary, Carmel	White & Case LLP (CA)	2001	2001	CA	\$10.00	2.50	1,587.50
P. Newman, Samuel	Gibson Dunn & Crutcher, LLP (CA)	1997	1997	CA	\$35.00	11.50	7,015.00
A. Debarian, Shiva	Gibson Dunn & Crutcher, LLP (CA)	2001	2001	CA	\$60.00	74.80	60,340.00
A. Scott, Melinda	White & Case LLP (CA)	2003	2003	CA	\$60.00	35.30	21,180.00
P. Trudella, Robert	Jones Day (CA)	1996	1996	CA	\$50.00	54.20	31,436.00
A. Gar, Kwang-chien, B.	Well, Goodrich & Mannes LLP (CA)	2003	2003	CA	\$75.00	12.40	7,136.00
OC Metcalf, Brian	Klee, Tuchin, Bogdanoff & Stern, LLP	1998	1998	CA	\$70.00	0.50	285.00
A. Eddell, David	Gibson Dunn & Crutcher, LLP (CA)	2003	2003	CA	\$65.00	13.30	7,514.50
C. Crosby M, Peter	Jones Day (CA)	1994	1994	CA	\$50.00	45.80	25,190.00
A. Martin, Jill	White & Case LLP (CA)	2006	2006	CA	\$25.00	1.70	887.50
A. Correa, Michael	Jones Day (CA)	2001	2001	CA	\$25.00	1.30	627.50
OC Brandt, Gina F.	Pechelski Stang Ziehl Young Jones & Weintraub (CA)	1976	1976	CA	\$50.00	175.30	87,650.00
A. Malek, Michael	Well, Goodrich & Mannes LLP (CA)	2005	2005	CA	\$50.00	41.30	20,906.00
A. Rodenas, Noel	Jones Day (CA)	2003	2003	CA	\$50.00	111.50	55,341.00
A. Herr, Matthew	Klee, Tuchin, Bogdanoff & Stern, LLP	2003	2003	CA	\$45.00	4.10	1,527.90
A. Barston, Melissa	Gibson Dunn & Crutcher, LLP (CA)	2008	2008	CA	\$45.00	302.70	140,765.50
A. Liu, Leslie	Well, Goodrich & Mannes LLP (CA)	2008	2008	CA	\$40.00	167.10	74,588.00
A. Chun, Sebyul	White & Case LLP (CA)	2008	2008	CA	\$40.00		

California rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
A Morrison, Kelley M	White & Case LLP (CA)	2008	2008	CA	\$ 480.00	105.50	\$ 48,830.00
A Hawk, Jonathan	White & Case LLP (CA)	2007	2007	CA	468.00	20.30	9,838.00
P Priolo, Lawrence	McKenna Long & Aldridge LLP (CA)	1997	1997	CA	450.00	15.00	6,750.00
P Larson, J David	McKenna Long & Aldridge LLP (CA)	1997	1997	CA	450.00	10.00	4,500.00
A Guess, David	Kies, Tuelin, Boudanoff & Stern, LLP	2005	2006	CA	430.00	365.70	157,661.00
A Fitzgerald, Courtney	Kies, Tuelin, Boudanoff & Stern, LLP	2005	2006	CA	430.00	23.20	9,976.00
A Dickerson, Matthew	Sidley Austin Brown & Wood LLP (CA)	2007	2007	CA	425.00	25.30	10,752.50
A Tran, William	Sidley Austin Brown & Wood LLP (CA)	2006	2006	CA	425.00	5.40	2,295.00
A Nathan, Joseph	Wiel, Gotshal & Manges LLP (CA)	2007	2007	CA	415.00	61.50	25,622.50
A Wilson, Lorra S.	Gibson Dunn & Crutcher LLP (CA)	2008	2008	CA	400.00	4.00	1,600.00
A Simarais, Ariella	Sidley Austin Brown & Wood LLP (CA)	2008	2008	CA	375.00	49.30	18,487.50
A Desirahan, Kevin	Kies, Tuelin, Boudanoff & Stern, LLP	2008	2008	CA	300.00	4.70	1,410.00
A Elliot, Keri	Kies, Tuelin, Boudanoff & Stern, LLP	2008	2008	CA	300.00	2.10	630.00
LIB Forrester, Leslie A.	Perkins Stearns Ziskind Young Jones & Wentz LLP (CA)				250.00	4.30	1,225.00
PP Haddis, Denise A.	Perkins Stearns Ziskind Young Jones & Wentz LLP (CA)				225.00	8.50	1,912.50
PP Griesmer, Michelle	McKenna Long & Aldridge LLP (CA)				215.00	40.50	8,729.00
PP Pearson, Sandra	Kies, Tuelin, Boudanoff & Stern, LLP				215.00	38.00	7,740.00
PP Brown, Thomas L.	Perkins Stearns Ziskind Young Jones & Wentz LLP (CA)			CA	185.00	2.00	380.00
LIB Jones, Carla H.	Gibson Dunn & Crutcher LLP (CA)				165.00	0.50	82.50

Westlaw CourtExpress
LEGAL BILLING REPORT

VOLUME 11, NUMBER 3

December 2009

BY BILLING RATE

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
P Pachulski, Richard M.	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1978	1979	CA	\$ 885.00	287.52	\$ 257,419.00
P Pakerson, Thomas	Klee, Tuckin, Bogdanoff & Stern, LLP	1984	1984	CA	\$80.00	392.80	\$33,760.00
P Pashin, Michael	Klee, Tuckin, Bogdanoff & Stern, LLP	1990	1989	CA	\$80.00	261.40	\$17,160.00
P Pashin, David	Klee, Tuckin, Bogdanoff & Stern, LLP	1975	1975	CA	\$80.00	68.30	\$5,460.00
P Pachulski, Richard M.	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1978	1978	CA	\$50.00	68.00	\$7,800.00
P Arnold, Dennis	Gibson Dunn & Crutcher, LLP (CA)	1975	1976	CA	\$40.00	1.00	\$40.00
P Zeln, David A.	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1978	1978	CA	\$25.00	286.25	\$21,406.25
P Timmons, Brian	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1991	1991	CA	\$20.00	240.00	\$19,200.00
P Lyons, Duane	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1985	1985	CA	\$90.00	90.30	\$5,766.00
P O'Neil, Robert B.	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1981	1981	CA	\$75.00	357.30	\$28,405.50
P Pachulski, Jeremy	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1980	1981	CA	\$75.00	156.50	\$12,007.50
P Zeln, Dean A.	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1978	1978	CA	\$85.00	94.00	\$7,130.00
P Zeln, Dean A.	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1978	1978	CA	\$75.00	20.30	\$1,537.50
P Winston, Eric D.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1989	1989	CA	\$40.00	54.00	\$9,360.00
P O'Neil, Michael Y.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1997	1997	CA	\$40.00	11.20	\$4,288.00
P Kornfeld, Alan	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1987	1987	CA	\$25.00	10.30	\$7,322.50
P Grabenberger, Debra L.	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1981	1982	CA	\$95.00	5.50	\$3,022.50
C Cairns, Andrew	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1983	1983	CA	\$95.00	3.40	\$2,360.00
P Parker, Daryl	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1988	1970	CA	\$75.00	60.80	\$4,100.00
P Mathewson, James	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1988	1987	CA	\$75.00	16.80	\$1,260.00
P Ansh, Dara	Gibson Dunn & Crutcher, LLP (CA)	1995	1995	CA	\$75.00	14.30	\$9,990.00
P Davis, Ron	Klee, Tuckin, Bogdanoff & Stern, LLP	1985	1985	CA	\$60.00	1.40	\$84.00
A Newman, Samuel	Gibson Dunn & Crutcher, LLP (CA)	2001	2001	CA	\$10.00	3.70	\$2,570.00
C Hochman, Harry	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1987	1987	CA	\$85.00	108.60	\$9,976.00
A Newmark, Victoria	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1986	1987	CA	\$85.00	32.50	\$19,337.50
C Gre, Sheryl	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1987	1987	CA	\$85.00	19.40	\$11,543.00
C Hochman, Harry	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1987	1987	CA	\$75.00	57.80	\$3,120.00
A Orndorff, Jennifer	Klee, Tuckin, Bogdanoff & Stern, LLP	1988	1988	CA	\$75.00	1.40	\$48.00
OC Melick, Brian	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1996	1996	CA	\$75.00	0.70	\$402.50
OC Brandt, Gina F.	Klee, Tuckin, Bogdanoff & Stern, LLP	1976	1978	CA	\$25.00	1.30	\$32.50
A Hays, Matthew	Klee, Tuckin, Bogdanoff & Stern, LLP	2003	2003	CA	\$95.00	109.70	\$4,301.50
P Brown, Gillian	Pachulski Slonek Zeln Young Jones & Weintraub (CA)	1989	1989	CA	\$85.00	0.90	\$247.50
A Barcha, Melissa	Gibson Dunn & Crutcher, LLP (CA)	2006	2006	CA	\$470.00	2.10	\$887.00
A Lu, Leslie	Wet, Goshals & Mancas LLP (CA)	2006	2006	CA	\$485.00	5.90	\$4,557.00
P Phelan, Laurence	McKenna Long & Aldridge LLP (CA)	1997	1997	CA	\$490.00	2.70	\$1,215.00
A Guess, David	Klee, Tuckin, Bogdanoff & Stern, LLP	2005	2005	CA	\$430.00	402.90	\$173,241.00
PP Sarkis, Joseph C	Quinn Emanuel Urquhart Oliver & Hedges, LLP	2008	2008	CA	\$380.00	4.80	\$1,440.00
A Elliot, Kevin	Klee, Tuckin, Bogdanoff & Stern, LLP	2006	2006	CA	\$300.00	16.80	\$4,980.00
PP Leavitt, Matthew	Quinn Emanuel Urquhart Oliver & Hedges, LLP	2006	2006	CA	\$250.00	20.30	\$5,075.00
LIB Forrester, Leslie A.	Pachulski Slonek Zeln Young Jones & Weintraub (CA)				\$350.00	4.90	\$1,225.00

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
LIB Forrester, Leslie A.	Pachuta Slung Zehn Young Jones & Weintraub (CA)				\$ 250.00	1.80	\$ 450.00
PP Harris, Daniel A.	Pachuta Slung Zehn Young Jones & Weintraub (CA)				225.00	47.80	10,777.50
PP Harris, Daniel A.	Pachuta Slung Zehn Young Jones & Weintraub (CA)				225.00	8.50	1,912.50
PP Henderson, Felice	Pachuta Slung Zehn Young Jones & Weintraub (CA)				225.00	0.40	90.00
PP Gryolson, Michelle	McKenzie Long & Alldridge LLP (CA)				215.00		
PP Pearson, Sandra	Kline, Tschin, Rosenfeld & Stern LLP				215.00	60.40	12,962.00
PP Brown, Thomas J.	Pachuta Slung Zehn Young Jones & Weintraub (CA)				185.00	52.40	11,283.00
PP Marino, Née	Pachuta Slung Zehn Young Jones & Weintraub (CA)				185.00	59.75	11,651.25
PP Brown, Thomas J.	Pachuta Slung Zehn Young Jones & Weintraub (CA)				185.00	8.00	1,480.00
LS Everheart, Christina	McKenzie Long & Alldridge LLP (CA)				180.00	2.00	360.00
PP Seim, Andrew	Pachuta Slung Zehn Young Jones & Weintraub (CA)				150.00	3.00	450.00
PP Bass, John	Pachuta Slung Zehn Young Jones & Weintraub (CA)				150.00	16.00	2,400.00
					150.00	0.80	120.00

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By Billing Rate

APPENDIX EXHIBIT G

1 Angela Alioto, (SBN 130328)
2 Steven L. Robinson, (SBN 116146)
3 Angela Veronese, (SBN 269942)
4 Mathew Wayne, (SBN 283897)
5 Joseph Alioto Veronese, Esq. SBN 214607
6 **LAW OFFICES OF JOSEPH L. ALIOTO**
7 **AND ANGELA ALIOTO**
8 700 Montgomery Street
9 San Francisco, CA 94111
10 Telephone: (415) 434-8700

11 *Attorneys for Plaintiff*
12 Frank Allen

13 **UNITED STATES DISTRICT COURT**
14
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 FRANK ALLEN,

17 Plaintiff

18 vs.

19 RADIOSHACK CORPORATION,

20 Defendants.

21) Case No.: CV 11-03110 WHA

22) **DECLARATION OF CLIFF PALEFSKY**
23) **IN SUPPORT OF PLAINTIFF'S**
24) **MOTION FOR ATTORNEYS' FEES**

25 I, Cliff Palefsky, declare as follows:

26 1. I am an attorney duly licensed to practice in the State of California. I have personal
27 knowledge of the facts set forth below and could competently testify as to those facts if called
28 upon to do so.

2. I am a partner/shareholder at the law firm of McGuinn, Hillsman & Palefsky, and have
been a

1 member of the California Bar since 1977. I obtained my Bachelor of Arts degree from the State
2 University of New York at Buffalo in 1974. I received my law degree from the Georgetown
3 University Law Center in 1977, where I served as a member of the American Criminal Law
4 Review from 1976 to 1977.
5

6 3. My practice with the law firm of McGuinn, Hillsman & Palefsky consists almost
7 exclusively of employment cases. I have litigated hundreds of employment cases on behalf of
8 employees. I was a co-founder of the National Employment Lawyers Association and was on the
9 executive board of the California Employment Lawyers Association for over 10 years. I have
10 served as a consulting editor and co-author for CEB's *Wrongful Employment Termination*
11 *Practice* and have authored numerous articles on employment law. I am a member of the
12 Advisory Board of the Employee Rights and Employment Policy Journal. I am a fellow of the
13 College of Labor and Employment Lawyers. I am an advisor to the American Law Institute on
14 the Restatement of Employment Law. I have been identified as one of the leading employment
15 lawyers in California and the country in several publications, including the National Law
16 Journal, the Recorder, the San Francisco Chronicle, Super Lawyers and Best Lawyers in
17 America.
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20 4. Almost all of the work that I do is on a contingency basis. However, my hourly
21 billing rate is \$750 per hour. I am familiar with hourly billing rates charged by attorneys in the
22 Bay Area, based upon my review of declarations filed in other cases by attorneys seeking an
23 award of attorneys' fees; based on surveys I have read of hourly billing rates in the Bay Area;
24 and based on discussions I have had with other attorneys in the Bay Area. Based on my
25 familiarity with the hourly rates charged by other Bay Area attorneys, it is my opinion and belief
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1 that my hourly billing rate of \$750 is well within the market rate for attorneys in the Bay Area
2 with my experience and reputation.
3

4 5 **Hourly Rates**

6 9. As part of my practice, I am generally familiar with rates charged by attorneys in the
7 San Francisco area for work on civil rights matters and comparably complex litigation.

8 10. I have been informed that this was an individual FEHA action based on Age and Race
9 discrimination, brought against the RadioShack Corporation, in which the Plaintiff prevailed and
10 recovered a judgment for \$1,030,000.00. I consider this a good result for this Plaintiff in the
11 jurisdiction of San Francisco and against such a large corporation and its legal resources. I also
12 have been informed that the hourly rates claimed by Plaintiff's Bay Area attorneys are as
13 follows:
14

- 15 -a 2013 rate of \$700 per hour for merits counsel Angela Alioto;
- 16 -a 2013 rate of \$600 per hour for merits counsel Steve Robinson;
- 17 -a 2013 rate of \$500 per hour for merits counsel Jody Meisel;
- 18 -a 2013 rate of \$500 per hour for merits counsel Joe Alioto Veronese;
- 19 -a 2013 rate of \$400 per hour for merits counsel Angela M. Veronese;
- 20 -a 2013 rate of \$400 per hour for merits counsel Mathew Wayne;

21 11. I understand Ms. Alioto was admitted to practice in 1987, and since then has
22 accumulated extensive expertise and trial experience in employment-related matters. I also am
23 aware that Ms. Alioto's firm is a small firm and that she took a considerable risk having the
24 entire law firm working on this case which involved a month-long trial. I have been informed
25 that Ms. Alioto's firm fronted all the out-of-pocket expenses in excess of \$45,000 (excluding
26 salaries and other expenses; and that the Plaintiff obtained an excellent result against a large
27 entity. Angela Alioto's hourly rate of \$700 seems within the range of fees charged by and
28 awarded to comparable attorneys, especially given her specialized expertise in discrimination

1 law and her reputation earned as a result of their many successful large verdicts. I am also
2 familiar with Mr. Veronese (admitted in 2001) and Mr. Robinson (admitted in 1984). As is
3 customary in small employment law firms, I am aware that each of their efforts are necessary to
4 obtain successful verdict such as the one in this matter. Ms. Alioto and her fellow attorneys have
5 recovered multi-million dollar verdicts in several employee related lawsuits, and successfully
6 represented numerous individual employees.

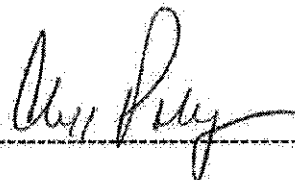
8 **A Multiplier Is Appropriate**

9
10 13. I believe that a multiplier is appropriate in cases such as this. The principal reason
11 is that Plaintiff's attorney assumed representation in this case on a fully contingent basis. If the
12 Plaintiff had not prevailed, counsel would have sustained a tremendous financial loss in terms of
13 the time spent on the case and the expenses advanced. While Plaintiff's attorney obviously
14 believed that the case was meritorious, and would not have filed it if she had thought otherwise,
15 there is always a substantial risk that a case may ultimately be unsuccessful, whether because the
16 trial court takes a different view of the law, because the facts turn out to be different from what
17 was initially believed, because of a procedural defect, or because of some later change in the law.
18 An attorney working on a contingent fee basis in such a case has little upside short of a judgment
19 in the plaintiff's favor and a fully compensatory fee award. That risk increased significantly when
20 defendant chose to mount a vigorous defense, declined to settle, and required the case to go to
21 trial. The absence of significant economic damages also made this case quite risky. A high
22 percentage of employment discrimination cases that end up going to trial are lost. Winning
23 discrimination cases is never easy. If this case had been lost, all of counsel's time, effort, and
24 expense -- including the expense of running their offices -- would have been lost as well. In the
25 legal marketplace, that risk commands a significantly higher fee than a lodestar-only,
26
27
28

1 non-contingent fee. Unless a significantly enhanced lodestar can be recovered when harassment
2 and retaliation victims like Mr. Allen's win, it is rarely a viable economic proposition to risk
3 hundreds of hours of time and over a hundred thousand dollars in costs and salaries.
4

5 If called as a witness, I could and would competently testify from my personal
6 knowledge to the facts stated herein. I declare under penalty of perjury under the laws of the
7 United States that the foregoing is true and correct. Executed this 14 day of March 2013, in San
8 Francisco, California.
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CLIFF PALEFSKY, Esq.

APPENDIX EXHIBIT H

Angela Alioto, (SBN 130328)
Steven L. Robinson, (SBN 116146)
Angela Veronese, (SBN 269942)
Mathew Wayne, (SBN 283897)
Joseph Alioto Veronese, Esq. (SBN 214607)
**LAW OFFICES OF JOSEPH L. ALIOTO
AND ANGELA ALIOTO**
700 Montgomery Street
San Francisco, CA 94111
Telephone: (415) 434-8700

Attorneys for Plaintiff
Frank Allen

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FRANK ALLEN,

Plaintiff

vs.

RADIOSHACK CORPORATION,

Defendants.

Case No.: CV 11-03110 WHA

**DECLARATION OF JOSEPH ALIOTO
VERONESE IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES**

**Judgment Entered March 1, 2013
Honorable William Alsup**

**Date: April 25, 2013
Time 8 am
Dept.: Courtroom 8**

I, Joseph Alioto Veronese, Esq., declare as follows:

1. I am an attorney licensed to practice law in the State of California and in the Ninth Circuit Federal Court of the United States.
2. I have personal knowledge of the following facts and if called upon, could competently testify thereto. I submit this declaration in support of Plaintiff's Motion for Attorneys' Fees.

- 1 3. My legal background includes approximately 8 years as a peace officer. This includes
2 approximately 3 years with the San Francisco Police Department. I also served as the
3 youngest senior criminal investigator for the San Francisco District Attorney's office,
4 four years as San Francisco Police Commissioner, and an additional 6 years as a
5 California Commissioner on Criminal Justice as appointed by the California Senate. With
6 my experience, I bring a considerable knowledge of investigations to my practice of law.
- 7 4. In Valladares v. Madera Quality Nut, a case tried during 2006 in Madera County,
8 California. I was awarded an hourly rate of \$ 250.
- 9 5. In Vandenburg v. County of Santa Clara, I was awarded an hourly rate of \$ 275 per hour
10 in a case tried in 2008.
- 11 6. In Gilman-Veronese v. Lucasfilm, a case tried two years ago, I was awarded an hourly
12 rate of \$ 300.
- 13 7. I am requesting an hourly rate of \$ 500 per hour based upon my record and recent federal
14 cases.
- 15 8. In the pending matter, I worked 72.5 hours for a total lodestar of \$36,250. The hours are
16 indicated in the extensive records provided herewith as Exhibit 1. Pertaining to this
17 motion, I have spent 2 (two) hours gathering information, drafting and reviewing this
18 motion. My fee for this motion is thus \$1000.
- 19 9. Additionally, I am requesting a total of \$964.39 for my travel expenses related to the
20 deposition of Mr. Pattakos in Dallas, Texas. Attached as Exhibit 2 is a copy of my hotel
21 bill.
- 22 10. I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Signed March 15, 2012, in Scottsdale, Arizona.
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/s/

Joe Alioto Veronese

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EXHIBIT 1

Allen V. Radio Shack Timesheet for Joe Alioto Veronese, Esq.

Tie	Comment	Hours
	9/1/2012 0:00 Review allen Depo and notes	4
	9/1/2012 0:00 Review of Hani Depo and notes	3
	9/3/2012 0:00 Review and notes of Ocampo Depo	4
	9/11/2012 0:00 Preparation for Patakos deposition	5.5
	9/13/2012 0:00 Deposition prep In Dallas	2
	9/13/2012 0:00 Travel to Dallas	4
	9/14/2012 0:00 Depo of Patakos	4.5
	9/14/2012 0:00 Travel to and from Depo on the ground.	1
	9/14/2012 0:00 Travel from Dallas to SF	4
	10/2/2012 0:00 Meeting with Amv re patakos	2.5
	1/9/2013 0:00 Read and review Patakos Depo	2.5
	2/16/2013 0:00 Jury questionnaire prep	3
	2/19/2013 0:00 Jury selection prep	2
	2/19/2013 0:00 Court appearance for jury selection	7
	2/20/2013 0:00 Opening Tirail Post jury selection research and \	6
	2/24/2013 0:00 Expert testimony prep	3
	2/24/2013 0:00 Meet with expert to review report.	2.5
	2/25/2013 0:00 Court appearance re expert testimony	4
	3/15/2013 0:00 Punitive Closing	5
9/2012 to present	Review and respond to emails	3
		72.5
	Rate	\$500.00
		\$36,250.00
	Fee Motion Time 2 hours	1200
		\$37,450.00

EXHIBIT 2



Room : 1726
 Folio # : 687235
 Cashier # : 536
 Page # : 1 of 1

1717 NORTH AKARD STREET
 DALLAS, TX 75201
 T 214 720 2020 F 214 720 5269

Mr Joe Veronese
 700 Montgomery St
 San Francisco CA 94111
 United States

Arrival : 09-13-12
 Departure : 09-14-12
 Fairmont President's Club
 3249474918

Date	Description	Additional Information	Charges	Credits
09-13-12	Room Charge		169.00	
09-13-12	Tourism PID Reimbursement Fee 2%		3.38	
09-13-12	City Tax (7%)		12.07	
09-13-12	State Tax (6%)		10.34	
09-14-12	Visa	XXXXXXXXXXXX0291	XX/XX	194.79
Total			194.79	194.79
Balance Due			0.00	

Thank you for choosing Fairmont Hotels & Resorts. To provide feedback about your stay please contact the General Manager, at dal.gm@Fairmont.com. We also invite you to share memories of your experience on our community forum - visit www.everyonesanoriginal.com.

Guest signature **X**

For information or reservations, visit us at

www.fairmont.com or call Fairmont Hotels & Resorts from:

United States or Canada 1 800 441 1414

I agree that my liability for this bill is not waived and I agree to be held personally liable in the event that the indicated person, company, travel agent or association fails to pay for the full amount of the charges. Overdue balance subject to a surcharge at the rate of 1.5% per month (19.56% per annum). All accounts deemed delinquent may be subject to legal fees and all other costs associated with the bill. Account is payable on presentation or departure.

Thank you for choosing to stay with Fairmont Hotels & Resorts